BIBLIOTHECA LEGUM ANGLIÆ,

PART II.

CONTAINING A

GENERAL ACCOUNT,

OF THE

LAWS and LAW-WRITERS of ENGLAND, from the earliest Times to the Reign of Edw. III.

AS ALSO OF

The public Records, and other authentic Law MSS. the Statutes, and the several Collections and Editions thereof; the Reports, or Collections of adjudged Cases in the Courts of Law and Equity;

Together with an ACCOUNT of

The principal Works upon the Law and Constitution, published during the present Reign.

COMPILED by EDWARD BROOKE.

LONDON.

Printed for EDWARD BROOKE, in Bell-Yard, near Lincoln's Inn.

MDCCLXXXVIII.

G.R. III.
BR. MUS.

TO THE GENTLEMEN

OF THE

HONOURABLE SOCIETY

OF

LINCOLN'S INN,

THIS COMPILATION IS DEDICATED,

BY THEIR RESPECTFUL,

AND MOST OBEDIENT SERVANT,

Bell Yard,
Easter Term,
28 *Geo.* III. 1738.

EDWARD BROOKE.

THE preſent compilation is intended, in ſome meaſure, to obviate a difficulty which is experienced by almoſt every ſtudent on his entrance upon the profeſſion of the law, at which time many hundred volumes preſent themſelves to his notice, of the contents, merits, and authenticity of which, it ſeldom happens that he can have acquired ſuch a previous knowledge, as to ſelect thoſe which are moſt eligible for his immediate acquaintance, and to which he may, in the courſe of his ſtudies, reſort for ſuch inſtruction as he may have occaſion for: much information for theſe purpoſes is to be met with in the writings of lord Coke, Mr. Selden, lord Hale, biſhop Nicolſon, and ſeveral later writers *; but it is there generally ſo enveloped among a variety of more important learning, that it requires no ſmall part of the time uſually allotted to the ſtudy of the law to become thoroughly acquainted with the ſeveral

* It is here particularly neceſſary to mention the *Hiſtory of the Engliſh Law, by Mr. Reeves*; from which work a great part of the preſent compilation is extracted.

ſources of this branch of knowledge, which, however ſubordinate in its object, ſeems to form a neceſſary part of the learning of an Engliſh lawyer. It has therefore been propoſed in the preſent publication, to collect the effect and ſubſtance of what has been written on theſe ſubjects by the learned authors before-mentioned, and to arrange it in ſuch a method as may conveniently and readily be conſulted, and at the ſame time preſent a connected view of the ſeveral parts of our written laws from the earlieſt accounts to the reign of Edw. III. from which period it is obſervable, among many other important regulations, that the Records from which our laws are compoſed, are preſerved, and have been tranſmitted to our times with greater degrees of authenticity; and, as they uſually fall more immediately within the ſtudent's notice, the review of our laws and law-writers from this period is purſued in a more general method, under the diſtinction of the principal collections of which our laws conſiſt, concluding with more particular mention of thoſe ſources of information and authority which moſt immediately claim the attention of a modern lawyer.

In the arrangement of theſe materials, which is all that can properly be reckoned original, the Compiler flatters himſelf he ſhall be excuſed the preſumption of having treſpaſſed beyond the uſual limits of his occupation, and that not confining himſelf merely to the title-page, he has on ſome occaſions ventured to inſpect into the more deep receſſes of the law, in ſearch of ſome of thoſe leſs weighty matters which appeared neceſſary for a proper illuſtration of his object. For the inſertion of the ſection of the Public Records, being chiefly

chiefly extracted from a work already extant in print, he has only to allege the frequent occasions that occurred of referring to that work, which, from its ſcarcity, is to be found in very few hands; it is hoped, however, that the uſe of it will be ſomewhat promoted and extended by the additions that are made, noticing a variety of MSS. of a public and important nature, which are preſerved in different public libraries, and in private hands, to which proper references are there to be met with. On the ſubject of the ſubſequent ſections he has only to offer in his exculpation the defect of information from more competent hands, which not affording the ſupport of printed authorities on ſome of the topics therein mentioned, the general opinion and report of the intelligent part of the profeſſion are, in thoſe inſtances, given with as much accuracy as his limited information enabled him to convey. For the reſt he begs leave to plead his deſire to contribute, though but in a ſmall degree, towards facilitating the ſtudies of the younger part of that profeſſion, in the more immediate ſervice of which he has for ſome years been engaged, and of whoſe liberality he has too much experience to doubt an indulgent reception of his endeavours, however inadequate to the taſk he has undertaken.

E. B.

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I. General

GENERAL ACCOUNT

OF THE

LAWS AND LAW-WRITERS OF ENGLAND

From the earliest Times to the CONQUEST.

A. C. 1103 IT is said by those who have written of the antiquity of the laws of this kingdom, that Brutus, or Brute, the first king of this land, as soon as he had settled himself therein, for the safe and peaceable government of his people wrote a book in the Greek tongue, calling it the Laws of the Brittons, which he collected out of the laws of the Trojans. Pref. to 3d Rep *.

444 It is further related, that Dunwallo Molmutius † did constitute laws in Britain, which were thereupon called the *Molmucian laws*; amongst which it was enacted, That the cities and temples of the Gods, and the ways leading to them, as also the husbandmen's plows, should have the privilege of sanctuary.

* This part of our history is considered as deserving very little credit by Polydore Vergil, and the writers who have followed him, but it is said to be ably defended by Sir John Pryce in his "Defensio Historiæ Brytanniæ." Taylor on Gavelk. 84.

† This antient king is also memorable as one of the first founders of our law, having first built at London the Temple on the spot on which the Church of the Temple now stands, the precinct of which he made a sanctuary or place of refuge. Weever's Fun. Monum. 441.

Dugd. Orig. 4. cites Brompton. See alſo Tanner (ex Leland) Bibl. Brit. 241.

Afterwards MARTIA, queen of the Britons (from whom the province of Mercia is thought to have had its name), made a law full of prudence and juſtice, called the MERCIAN LAW. Theſe two laws, it is ſaid, the old hiſtorian Gildas tranſlated out of the Britiſh language into Latin *, which were henceforth called MERCHENLEGE, i. e. the law of the Mercians: by which law † eight ſhires of this realm were governed, viz. *Glouceſter*, *Worceſter*, *Hereford*, *Salop*, *Cheſter*, *Stafford*, *Warwick*, and *Oxford*.

A. D. The next legiſlators of our country, that we read of, are

561 Ethelbert ‡, the firſt of the Saxon kings who received the Chriſtian faith.

673 Hlothare;
685 Eadric;
687 Withred;

All kings of Kent, whoſe laws are extant in the "Textus Roffenſis," and are printed

* King Alfred is ſaid to have afterwards tranſlated them into the Saxon language. Bale Cent. II. c. 26.

† See alſo of this heroic queen and her laws, "Saltern's Ancient Laws of Great Britain," c. 9. Tanner (ex Leland) Bibl. Brit. 514.

‡ This king is ſaid to have cauſed a book to be written, entitled, "Decreta Judiciorum;" but it ſeems to be no other than the laws that are extant under his name.

by Lambarde in Archaionomia, and other collections of our antient Laws, and particularly by Wilkins, in "Leges Anglo-Saxon."

Sigebert, or Sigeſbert, king of the Eaſt Angles [653], is ſaid to have written a book of the laws of England, calling it "LEGUM INSTITUTA *.

Next follow,

688 Ina.
872 Alfred.
901 Edward the Elder.
924 Athelſtan †.
940 Edmund.
959 Edgar.
979 Etheldred.

Theſe being kings of the Weſt Saxons, their laws ‡ obtained the name of Weſt Saxonlega, i. e. the laws of the Weſt Saxons, whereby, in ancient times, nine counties South of the river Thames were governed, viz. Kent, Suſſex, Surrey, Berkſhire, Wiltſhire, Hantſhire, Somerſetſhire, Dorſetſhire, and Devonſhire. Dugd. Orig. 5.

* Of this king, who is ſaid to be the firſt founder of the Univerſity of Cambridge, v. Tanner (ex Leland) Bibl. Brit. 672.

† It is obſervable, that Bale, Cent. II. c. 27, mentions king Athelſtan, as having written a book of the ancient laws corrected. Another of the New laws, and a third of the Conſtitutions of the Clergy. Theſe are probably what are printed in Wilkins as the laws of this king, v. Tanner, Bibl. Brit. 267.

‡ What remains of theſe laws are alſo extant in Wilkins above mentioned.

Beſides the laws before-mentioned, king Alfred is ſaid to have written a book of the laws of England, deſcribed by Bale and other authors, by the title of "Breviarium quoddam, quod compoſuit ex diverſis legibus Trojanorum, Græcorum, Britannorum, Saxonum, et Dacorum" which was, it is apprehended, a more complete code than the collection extant in Wilkins, but is not known to be any where extant at this day *. It is further obſervable, that ſeveral laws of Alfred are mentioned in antient writers which are not among the laws that we have. In the "Mirrour of Juſtices," mention occurs of a body of his laws (probably his "Dom Boc"), and even of a collection of his judgments then in public uſe, of which we know nothing at this day, though it appears by Harding's Chronicle, that they were uſed in Weſtminſter Hall in the reign of Edward IV. See alſo "Blackſtone's Com." vol. I. 65.

King Alfred †, beſides theſe books, and the tranſlation of the "Leges Molmutinas," and "Leges Martianes" before-mentioned, framed the book entitled "Codex Wintonianus, or Book of Wincheſter," and ſometimes the Wincheſter Roll, which contained a Survey of the kingdom, and ſeems to have formed the ground work of the "Domeſday

* This book, written in the Saxon tongue, was extant in Leland's time, who actually ſaw it at Chriſt Church in Hampſhire. Leland de Illuſt. Scrip. p. 150.

† *A full account of the laws and of the writings of this great and good king is given in the notes to his Life in Biog. Brit.* vol. I.

Book,"

Book," afterwards compiled by William the Conqueror. It is ſaid to have been long preſerved in the Cathedral of Wincheſter, in which city the king's treaſury was formerly kept.

1017 The Danes having afterwards got footing in this kingdom, of whom Canute was the firſt king, a third kind of law was by them conſtituted, thence called Danelega, i. e. Dane law; and by which no leſs than fifteen ſhires of this kingdom were governed, viz. Eſſex, Middleſex, Suffolk, Norfolk, Hertfordſhire, Cambridgeſhire, Huntingdonſhire, Lincolnſhire, Nottinghamſhire, Derbyſhire, Northamptonſhire, Leiceſterſhire, Buckinghamſhire, Bedfordſhire, and Yorkſhire. Dugd. Orig. 5.

1042 Out of theſe three laws, viz. Merchen lega, Weſt Saxon lega, and Dane lega, king Edward, commonly called the Confeſſor, did ſelect the beſt and choiceſt, and reducing them into one body, called them the Common Law *. Pref. to 3d Rep. and Blackſt. Comm. p. 66.

About the year 940, the Britiſh laws were collected by order of Howel Dha, one of their kings, by Blangoridus, Archdeacon of Landaff (by ſome called Blegabridus Lan-

* *This account of the three diſtinctions of laws abovementioned, though adopted by* Camden, Spelman, Dugdale, *and generally by all our hiſtorians, is controverted by Bp.* Nicolſon *in* Eng. Hiſt. Lib. part I. c. 4. *and Pref.* to Wilkins's "Leges Anglo-Saxon." *But See* Gurdon's Hiſt. of Parl. vol. I. 90.

guaridus

guaridus *) which being approved and confirmed by the king †, and having, as it is generally reputed, been in great part taken from the before-mentioned laws of Dulwallo Molmutius are known by the title of "The Laws of Howel Dha," and are, it is obſerved by a learned judge, the moſt regular collection and ſyſtem of ancient ordinances that are any where extant ‡. Dugd. Orig. 54. Gurdon on Parl. vol. I. 1000. Barringt. in Pref. to Obſ. on Stat.

Such of the Anglo-Saxon Laws as have been found extant, have been publiſhed by the older hiſtorians, and particularly by Lambarde, in his collection of the antient laws, entitled, "Archaionomia," but the moſt complete and elegant edition of them is that publiſhed by Dr. Wilkins in "Leges Anglo-Saxonicæ §, &c." in which alſo are collected ſeveral eccleſiaſtical conſtitutions of the ſame ages ‖.

A ſummary account is here given of the remains of our laws prior to the Conqueſt, as contained in that valuable work.

* *Of whom ſee* Tanner, Bibl. Brit. 105.

† Taylor on Gavelk. 154.

‡ An elegant edition of them is extant by Dr. Wotton. Beſides the above, ſeveral other collections of the Britiſh or Welch laws are mentioned by Dugdale. Orig. 54.

§ It is obſerved, that ſome valuable additions might now be made to theſe collections. Gough, Brit. Top. vol. I. 441.

‖ A very perſpicuous account of the ſubſtance and policy of theſe laws is in "Hume's Hiſt. of England," vol. I. Append. N° I.

1 Laws of Æthelbert.
2 Laws of Hlothaire and Eadric.
3 Laws of Withred.
4 Laws of Ina.
5 Laws of Alfred.
6 Fœdus Alfredi et Guthruni.
7 Laws of Edward (the elder).
8 Fœdus Edwardi & Guthruni.
9 Laws of Athelstan
10 Judicia Civitatis Londoniæ.
11 Laws of Edmund
12 Laws of Edgar*.
13 Supplement to the Laws of Edgar.
14 Canons published under the reign of Edgar.
15 Laws of the Northumbrian Presbyters †.
16 Laws of Ethelred
17 Book of Constitutions.
18 Constitution of the Council of Ænham ‡.
19 Senatus Consultum de Monticollis Walliæ.
20 Laws

* There is also extant of this king a charter entitled "Carta Regis Eadgari, Marium Brit. Domini," of which see "Hickes's Thesaur." 85, and 152 of the "Dissertatio Epistol." and which is much relied upon by Selden and other authors who have written of the Dominion of the Sea. The original itself is still extant in the Harleian Collection of MSS. in the Museum, N° 7513, and is contained in a wooden box lined with green velvet, in form of a large folio book, in red morocco, within which it is placed upon a green silk cushion, and covered with a large plate of glass.

† Supposed to have been made under a Danish king between the years 949 and 952.

‡ Certain marine and military laws made by king Ethelred, his bishops, and nobles, in the general council of Ænham (probably now Eusham in Oxfordshire), A. D. 1009, for the setting out of a fleet every year, and the punishment of those who hurt or spoiled any ship, or deserted the service, especially if the king was present in the expedition; extracts of which are in 'Prynne on 4th Inst." 104. from "Spelman's Concil." T. I. 520. The same king also enacted

20 Laws of Canute *.
21 Book of Conſtitutions †.
22 Book of Eccleſiaſtical Canons ‡.
23 The Epiſtles of Ælfric §.
24 Book of Eccleſiaſtical laws ‖.
25 The Laws of Edward the Confeſſor **.

enacted laws concerning foreign merchants ſhips and goods, and what tolls they ſhould pay, among which were impoſed certain cuſtoms on foreign commodities, fiſh, &c. to be paid at Blyneſgate, or Billingſgate, in the port of London; which laws, it is ſaid, were made at Wantage; extracts from them are alſo extant as above, and do not appear to make part of the collection of laws as above mentioned, publiſhed by Wilkins. They are alſo mentioned in "Howel's Hiſt. of the World, vol. III. part 4. c. 2. and in "Anderſon's Hiſt. of Commerce." 4to. edit. 98.

* Carta de Foreſta, granted by Canute at a parliament at Wincheſter, A. D. 1016, is extant in "Manwood's Foreſt Law," but the authenticity of it is diſputed by Lord Coke, 4th. Inſt. 320.

† This is ſuppoſed to have been compoſed about the time of the Conqueſt.

‡ Theſe canons, or rather rules, are imagined to have been made about the time of the Conqueſt.

§ This Ælfric was both a biſhop and abbot, and is the ſame perſon who compoſed the book of canons above-mentioned.

‖ Spelman conjectures, that this book, or capitulary, was compiled by ſome biſhop.

** Theſe laws are ſuppoſed to have been collected after William Rufus's time, vol. I. "Hale's Hiſt." P. C. 63. Mr. Hume alſo obſerves, this collection of laws is plainly a poſterior and ignorant compilation, vol. I. note K.

It is worthy notice, that there is extant in "Hickes's Diſſertatio Epiſtolaris," prefixed to his "Theſaurus," an antient inſtrument of the Anglo Saxon ages, entitled, a "SODALITIUM," which, though not ſtrictly a public record or general law, is ſtrongly characteriſtic of the ſtate of the laws and government of the kingdom at that period, being a voluntary aſſociation of ſeveral individuals for mutual protection and defence. A further account of it may be ſeen in Hume's Hiſt. I. Append. N° I.

Lord Coke aſſigns to this period the treatiſe entitled "Modus tenendi Parliamentum tempore regis Edwardi fil. regis Ethelđrædi, &c." but it is by Mr. Selden referred to the reign of Edward III. where it will be further noticed.—Several other Law treatiſes, which are mentioned by Lord Coke, as of the time before the Conqueſt, are alſo, upon probable grounds, transferred to ſubſequent reigns.

Laws

II LAWS and LAW-WRITERS from WILLIAM the CONQUEROR to the enacting of MAGNA CARTA. A. D. 1066, to A. D. 1215.

A D. 1070. A. R. 4. THE more general laws enacted by this king, which have reached our times, are thoſe preſerved by Ingulphus, contemporary with this reign, which are extant in the Norman-French language, with a Latin tranſlation in *Selden Notæ in Eadmerum*, in our collections of old laws, and particularly in "Wilkins's Leges Anglo-Saxon, &c *." and are thus intitled, "*Theſe are the laws and cuſtoms which William the king granted to all the people of England after his conqueſt of the realm; being the ſame as thoſe which king Edward the Confeſſor, his Couſin, obſerved.*"

They conſiſt of fifty articles, or chapters, according to the diviſion made of them by Selden †.

Beſides theſe, there are alſo extant in Wilkins, other laws of this king in Latin, originally publiſhed by Selden, and Sir Roger Twyſden, from the red book in the Exchequer, which conſiſt of twenty-one addi-

* Theſe laws are alſo extant with an Engliſh tranſlation at the end of "Kelham's Norman Dict;" accompanied with notes and references to the Anglo-Saxon laws, from whence they are reſpectively derived. See alſo *Blackſt. Comm. B. II. c.* 4.

† See the contents of theſe laws in *Reeves's Hiſt. Eng. Law* vol. I. 32.

Will. Conq. tional chapters, by ſeveral of which the feudal law is ſaid to have been introduced into England as before eſtabliſhed in Normandy; and among which that diſtinguiſhed as chap. 55, is commonly entitled "Magna Carta Willielmi *."

1077. A general Synod was held at the Abby of Weſtminſter, for the hearing and determining of the cauſes of the Chriſtian church, in which a remarkable charter was granted by the king; a copy of which is extant in an antient MS. entitled *Sulcardus's Chartulary* of the Abby of Weſtminſter †, in the *Cotton Library. Fauſtina, A.* 3 ‡.

1085. *Carta Willielmi*, directing appeals in certain caſes to be determined by the epiſcopal juriſdiction, and for regulating other matters relating thereto, by ſeparating it from the ſecular juriſdiction, extant in *Wilkins.*

* See *Brady's Anſwer to "Argumentum Antinorman."* among his tracts, fol. 258.

† Quoted alſo in *Dugd. Orig.* Chap. on Parliaments, as MS. in *Bibl. Cotton ſub. Veſpaſian,* An. 21. See alſo *Brady's Anſwer to Argument. Antinorm.* in his Tracts, fol. 300. *Tyrrel Gen. Pref. to Hiſt. Eng.* and *Bibl. Polit.* fol. 394. Tanner Bibl. Brit. 699.

‡ It is propoſed in the following pages, to notice only ſuch public inſtruments, records, and events, as are connected with the general adminiſtration of juſtice, and the eſtabliſhment of laws for the government of the kingdom.—The acts and conſtitutions paſſed in the Synods or Councils, which were frequently in theſe times convened, to regulate the internal concerns of the church, are collected by *Spelman in Concil. Brit.* and in the more complete edition of them ſince publiſhed by Bp. Wilkins. Selden alſo cites in *(Eccleſ. Juriſd. of Teſtaments)* a MS. in the Cotton Library, in a hand-writing ſeven hundred years old, being a collection out of the fathers and old councils in this kingdom and Ireland.

By

Will. Conq. By a law entitled, *De Judæis in regno conſtitutis*, the king took the Jews under the protection of this kingdom, having previouſly granted them a like privilege for ſettling themſelves at Roan in Normandy.

An Act of Parliament held in this reign was pleaded and held good in the caſe of the Biſhop of Norwich, in 21 Edw. III, 60 a. b. and is much relied on as ſuch by Lord Coke *, in treating of the Antiquity of Parliaments. Pref. to 9th Rep. and in *Rights of the Kingdom*, &c. 217. Edit. 1682.

1086. A principal record of this reign, by which the internal policy was regulated on more certain principles, was the compilation of the ſurvey of the kingdom, taken by order of this king, and which ſtill remains extant in the Exchequer, under the title of "Domeſday Book," a ſimilar compilation having been made in the reign of king Alfred, as is before-mentioned. It conſiſts of two volumes: one volume contains the counties of Eſſex, Norfolk, and Suffolk, the other contains reſt of the counties of England, except Durham, Cumberland, Weſtmoreland, and Northumberland. This ſurvey was begun an. 1080; it mentions how much arable land, paſture, meadow, and wood, every man had, the extent and value of them in the time of Edward the Confeſſor, and at the time of making the ſurvey; alſo what mills and fiſheries, and in ſome counties the number of

* It appears that ſeveral great courts were held by the king in this reign. But ſee *Prynne on 4th Inſt.* 7.

Will. Conq. freemen, ſocmen, villains, borders, ſervants, young cattle, ſheep, hogs, horſes, &c. in every town and manor, and to whom they belonged *. For a more full account of this ſurvey, ſee Nicolſon's Eng. Hiſt. libr. 4to. p. 171, Spelman's Gloſſ. *verb.* Domeſdei, the other books cited in Wright's Tenures, p. 56, an Account of Domeſday book and of Danegeld; printed by order of the Society of Antiquaries in 1756, 4to. Dr. Cowel's Dict. *under* Domeſday Book, and *Gough's Top. Brit. Pref.* 182.

A memorable judicial record of this reign is alſo extant, entitled *Placita apud Pinendenam* †, being a pleading in the cauſe of Lanfranck, Archbiſhop of Canterbury, and Odo, Biſhop of Baieux, the King's brother, concerning the title and ſeizin of the predeceſſors of the Archbiſhop, before the Conqueſt, reſpecting certain lands in Kent; in which caſe the king gave judgment in favour of the archbiſhop.

A pleading alſo in the Caſe of Edwin, heir of the family of Sharnebourne in Norfolk, and earl Warren, a Norman, concerning the title to the caſtle and eſtates of the former, is extant in ſeveral authors; in

* This antient record is now made public from the preſs, by direction of the Houſe of Lords. v. *Bibl. Leg. Ang.* I. TIT. *Records.*

† It is known by the title of the "Pinendon Record," and is extant in *Textus Roffenſis*, from whence it has been publiſhed by Dugdale and Spelman.—See alſo an account of this caſe from a record of it in lord Coke's poſſeſſion. *Pref to 9th Rep.*

Will. Conq. which caſe, it is ſaid, the king gave judgement againſt Earl Warren *.

Other laws of this king are mentioned by the older hiſtorians, which do not appear to be any where extant on record, or in the form of laws, the ſubſtance or purport only of them being preſerved to our times. Of this deſcription are the following, which are mentioned by *Dugdale in Orig. Jurid.* where references may be found to the original authorities.

Purveyance of victual for the ſupply of the court, was ordered to be taken in kind throughout the kingdom.

It was in this reign firſt appointed, that charters ſhould be ſealed with wax by each man's peculiar ſeal.

That Law pleadings ſhould be thenceforth in French, and that language ſhould be taught in the ſchools.

That thoſe who took a deer or goat ſhould loſe their eyes.

That at the ringing of a bell (called Couvrefeu) every evening, the fire in the houſes ſhould be extinguiſhed.

Homicide was puniſhed with loſs of life.

Rape was puniſhed by caſtration of the offender.

* Of this judgment Juſtice Calthrop ſaid, he had ſeen an authentic copy in the library of Sir Chriſtopher Heydon, at Baconsthorp in Norfolk. V. *Spelman Cod. Vet. Leg.* in *Wilkins*, 287. The authenticity of the cafe itſelf is, however, rather doubted.

WILLIAM RUFUS,

A. D.
1087. Third Son of WILLIAM the CONQUEROR.

THIS king held, during his reign, ſeveral great Councils at Rockingham and Saliſbury, but there does not appear any memorial of laws enacted by him.

To this king is, however, attributed the original of the cuſtom whereby his ſucceſſors claimed the profits of vacant biſhopricks and monaſteries, which were of the king's patronage, commonly called Firſt Fruits. *Dugd. Orig.* 7.

HENRY I.

A. D.
1100. Fourth Son of WILLIAM the CONQUEROR.

A. R. 1. THERE is a collection of the Laws of this king, conſiſting of ninety-four chapters, in Wilkins *. In the collection above-mentioned, there is a charter granted by this king, on his coronation, containing proviſions for the redreſs of divers grievances, which, however, ſtill ſubſiſted till the enacting of Magna Carta, above one hundred years afterwards, and though it is ſaid, that copies of this charter were depoſited in each of the abbies at that time in the kingdom; the obſervance of it was ſo little regarded, that it was with difficulty a copy could be found on occaſion of framing the articles of which the Magna Carta was compoſed †.

Several general Councils or Synods were alſo held in this reign, in which it ſeems there were eſtabliſhed many regulations concerning eccleſiaſtical matters, which, with

* A part of the laws, as here collected, are ſaid to be not authentic. V. I. *Hale's Hiſt. P. C.* 8. in note—*Reeves's Hiſt. Eng. Law*, vol. I. 213.

† To account in ſome meaſure for this difficulty, it is ſaid by Rudburne (an antient writer), that all except three copies, by various artifices, were embezzled. V. Advertiſement concerning Magna Carta, prefixed to the copies of it in the tract entitled, *Reflections upon the opinions of ſome modern divines concerning the nature of government*, 4to. 1689. This Charter is alſo extant in ſeveral of the old Hiſtorians, but the moſt ancient and authentic copy of it is in the "Textus Roffenſis," from whence it was publiſhed by Hearne and Wilkins, and laſtly by Blackſtone in "Introd. to M. C." where it is obſerved, that the Prohëme, as well as the concluſion of it, are materially different in the ſeveral copies, but the body of the charter is in moſt reſpects much the ſame.

ſome.

Hen I. ſome other conſtitutions and charters of leſs general concern, are recited or mentioned as they occur in the older hiſtorians, in *Spelman's Con. Vet. Leg. Stat.* printed with Wilkins's "Ll. Anglo-Saxon" above-cited *.

Several other laws are mentioned as having been enacted in this reign, which do not appear to be on record, or recited in the form of laws; the following are collected by Dugdale from the old hiſtorians

1108. It was ordained, that counterfeitors of money ſhould loſe their eyes, be gelt, and loſe their hands. Much to this effect, there is extant in Spelman above-cited, *Charta Regis Henrici* I. *de Moneta faſſa & cambiatoribus*, which is recited in the form of a writ from the King to the Biſhop, Barons, &c. of Worceſterſhire, directing the puniſhment of loſs of teſticles, and of the right hand, againſt ſuch offenders.

This is by ſome dated as above, but is by others placed under the A. R. 25.—Here is alſo in the ſame collection, in the ſame form, directed to the Biſhops, Barons, French, and Engliſh of Worceſterſhire, *Charta ubi Comitatus teneri debet et ubi placita de diverſis terrarum.*

This king alſo enacted, that halfpence and farthings ſhould be round.

* It may be proper to mention, that the laws of this king, and thoſe before-mentioned as extant in Wilkins, are there accompanied with illuſtrative notes and prefaces, compoſed by various learned authors.

That

Hen I. That an ell meaſure ſhould be the length of his arm.

That the uſe of lights in the night ſhould be reſtored.

That the Engliſh ſhould cut their hair after the cuſtom of the Normans.

He is alſo ſaid to have firſt converted into a pecuniary tax the military ſervices claimed from his ſubjects; as alſo the prerogative of purveyance.

There alſo appears an ordinance, made in this reign at Ipſwich, enacting baniſhment for felony or treſpaſs in maritime concerns, probably among others of the ſame nature *.

Mention alſo occurs of ſeveral judicial determinations under this reign †.

Of the Law-Writers and Treatiſes of this reign:

RANULPH DE MESCHINES, Earl of Cheſter, is ſaid to have compiled a book of the Common Laws of England ‡.

"TRACTATUS imperfectus de Legibus Angliæ, diviſus in 4 libros; quorum primus continet Leges Anglicas in Latinum tranſlatas; ſecundum habet, quædam ſcripta (ut inquit author) temporis noſtri neceſſaria: tertius eſt de ſtatu et agendis cauſarum: quartus eſt de furto et partibus ejus §."

* *Lib. Nig. Adm.* p. 27, where it is recorded at length. *V. Prynne on 4th Inſt.* 106.

† *V. Mirror*, c. 1. ſect. 3. c. 2. ſ. 4 24.

‡ *Pref. to* 8 *Rep. Dugd. Baron.* 36 *& ſeq.*

§ *Dugd. Orig.* 56. refers to Cott. Lib. *ſub. effg.* Domitiani, A. 8. n. 13.

Hen. I. "TEXTUS ROFFENSIS" is alſo to be conſidered as an original law record of this reign, having been written by Ernulph, Biſhop of Rocheſter, who died A. D. 1114. It contains authentic copies of the laws of ſeveral of the Anglo-Saxon kings, particularly of four Saxon kings whoſe laws are omitted by Lambarde, with the Saxon form of oaths, and "De placitis apud Pinendam inter Lanfrancum Archiep. Cant. et Odonem Epiſc. Baiocenſem." It contains alſo a regiſter of the affairs of the Church of Rocheſter, It was in part publiſhed by Hearne, and has been made much uſe of in the ſeveral collections of Selden, Spelman, Dugdale, and other hiſtorians *.

STEPHEN,

Nephew of HENRY I.

A. D. 1135. A. R. 1. THIS king granted a Carta de libertatibus †, confirming that of Henry I, as alſo the laws of Edward the Confeſſor, which is extant in Spelman (above quoted), in

* See further ſome curious particulars of this valuable work of antiquity. Gough's Top. Brit. vol. I. 463. and more particularly Mr. Pegge in Bibl. Brit. Top. N° XXV.

† This charter (in a MS Collection of Charters by Sir Symonds D'Ewes, Harl. MSS. n. 311, fol. 243) is ſaid to be entered in the Red book of the Exchequer at Weſtminſter, but upon a diligent ſearch was not to be met with therein: a copy of it is, however, preſerved in an antient MS. in the Cotton Lib. (Claud. D. 2. fol. 55.) from whence it is inſerted by Blackſtone in "Introd. to Magna Carta." It is alſo recited by *Ric. de Hagulſtad*, in his hiſtory of this prince. *Blackſtone, as above.*

which

Steph. which there is alſo another charter of this king, more particularly relating to eccleſiaſtical concerns, and which, together with that before-mentioned, is alſo inſerted in Blackſtone's "Introd. to Magna Carta," being there printed from Mr. Hearne's copy of the latter, in whoſe hands the original itſelf, under ſeal, formerly was, though what is now become of it is uncertain.

1139. A. R. 4. Under this year a law was enacted concerning ſhipwreck, the ſubſtance of which is in Spelman, Cod. Vet. Leg. Stat.

1140. Mention occurs of a regulation concerning the coin. Spelman, *as above*.

1146. The tribute of Danegelt was aboliſhed in this reign. Dugd. Orig. cites Hoveden.

1161. At a council or parliament at Weſtminſter were enacted laws concerning the Stewhouſes in Southwark *, within the juriſdiction of the biſhop of Wincheſter, which are recited in Spelman, *as above*.

Several other great councils were held in this reign, at Northampton, Oxford, Dunſtable, London, &c. in which, beſides the general concerns of the kingdom, were agitated various eccleſiaſtical matters; as alſo in ſeveral ſynods aſſembled in this reign, wherein alſo the Papal juriſdiction and the rights of the clergy were much diſputed, in the courſe of which the king was himſelf cited to appear at the ſynod held at Wincheſter, by Henry, biſhop of Wincheſter, being alſo legate to the Pope.

* They were ſuppreſſed by proclamation, 37 H. VIII. A. D. 1547. 3 Inſt. 205.

HENRY II.

Grandſon of HENRY I.

A. D. 1154. CHARTA Libertatum Angliæ was granted in confirmation of that of Henry I. A. R. 1. which is recited in Spelman, Cod. Leg. Vet. Stat. and is alſo printed by Blackſtone in "Introd. to Magna Carta," from an entry in the Red book of the Exchequer.

1164. Conſtitutions of the council or parliament of Clarendon were enacted and further enforced by a council held at Northampton the ſame year, and by certain other conſtitutions, as they were termed, which the king, being in Normandy, ſent over to his juſtice, Ric. de Luci, &c. to be ſworn to and obſerved by the people of England. They are extant, as alſo the Conſtitutions of Clarendon in Spelman.

1170. A. R. 16. The king conſtituted certain juſtices itinerant, and ſent them into ſeveral counties to make enquiry according to the direction of ſeveral articles concerning delinquencies of ſeveral kinds. *Dugd.* 8 *.

1176. A. R. 22. At the council of Nottingham the kingdom was again divided into ſix circuits, and three juſtices aſſigned to each, to diſtribute juſtice according to the before-mentioned conſtitutions of Clarendon. *Dugd. Orig.* 8. *Spelman*, 329.

* See alſo *Dugd. Chron. Series*, and *Reeve's Hiſt. of Eng. Law*, vol. I 54.

At

Hen. II. 1179. A. R. 25. At the council of Windſor it was again divided into four parts, to each of which were aſſigned five juſtices, to one of them ſix, to hear the complaints of his people upon all controverſies and differences, and to do them right therein. *Dugd. Orig.* 8.

1180. ASSISA *de habendis armis in Anglia*, whereby every perſon, of whatſoever degree, was aſſigned what weapons and arms he might have for the defence of the realm, which is printed from Hoveden in Spelman *above-cited.*

1184. At this time the king divided his foreſts in England into certain diſtricts, and aſſigned four judges to each, and is ſaid by Hoveden to have preſcribed certain forms of proceeding therein, entitled "ASSISÆ FORESTÆ."

On occaſion of the expedition to the Holy Land, ſeveral public regulations took place, among which the following are mentioned by the old hiſtorians.

1184. At a great council held at London, it was determined to raiſe a ſubſidy for the proſecution of the Holy War, as it was called.

1186. The king iſſued an ordinance, being then in Normandy *, intitled by R. Hoveden, *Statutum de itinere Terræ Sanctæ*, which is recited in Spelman *above quoted.*

* The execution of it is dated Cenomannum [Mans], in the preſence of Richard his ſon, then Count of Poictou, the archbiſhops of Tours, Canterbury, and Roan, and other biſhops and barons of Anjou, Maine, and Touraine.

On

Hen. II. 1188. On his return to England, the king held a great council at his royal palace at Gaintington, eight or nine miles from Northampton, when he ordered a tenth of the rents and moveables of his ſubjects in England to be taken, according to the before-mentioned ſtatute enacted in Normandy, for carrying on the Holy War.

It appears by a ſubſequent charter of king John (A. R. 2.), that a charter was alſo granted to the Jews in this reign.

During this reign a law was enacted to repreſs the inſolence of the Normans. Spelman, 337.

And ſeveral regulations were made concerning the coin, as mentioned by the hiſtorians of the time.

It is alſo ſaid, that this king paſſed an equitable law, That the goods of a vaſſal ſhould not be ſeized for the debt of his lord, unleſs the vaſſal be ſurety for the debt; and that the rents of vaſſals ſhould be paid to the creditors of the lord, not to the lord himſelf *.

Beſides the before-mentioned laws and ordinances, this king held ſeveral general councils, in which were debated many weighty concerns of the church and ſtate, among

* It is remarkable, that this law was enacted by the king in a council at Verneuil, in Normandy, conſiſting of ſome prelates and barons of England, as well as ſome of Normandy, Poictou, Anjou, Maine, Touraine, and Britanny, and the ſtatute took place in all theſe different territories. *Hume's Hiſt. chap.* 9, cites *Bened. Abbas.* 248.

which

Hen. II. which probably may be reckoned ſome general laws and regulations which have not reached our times, ſeveral inſtances of ſuch being mentioned by Glanville that are not elſewhere taken notice of. *V. Reeves's Hiſt. Eng. Law.* vol. I. 151, 152, &c.

The principal law treatiſe of this reign is that entitled, "Tractatus de legibus et conſuetudinibus Angliæ tempore Reg. Hen. II. compoſitus, juſtitiæ gubernaculæ tenentæ illuſtri viro Ranulfe de Glanvil, juris regni et antiquarum conſuetudinum eo tempore peritiſſimo."

The work is divided into fourteen books, treating of 1. Pleas and Eſſoins in the court of King's Bench. 2. Tryals by Combat and the Grand Aſſize. 3. Warrantry. 4. Advowſons of Churches. 5. Naturalization and freedom. 6. Dower. 7. Baſtardy and Wardſhip. 8. Fines. 9. Homage, with other ſervices and perpreſtures, and encroachments. 10. Debts and contracts, 11. Attorneys. 12. Writs of Right and Prohibition. 13. Recogniſances and Diſſeiſins. 14. Pleas of the Crown *.

Liber Niger Scaccarii.

This compilation, beſides the work herein after-mentioned, entitled "Dialogus de Scaccario,"

* This work appears to be the firſt ſyſtematic treatiſe of our law, and to have been firſt made public by Sir William Staundford, an. 1554; but the real author is not certainly known. Glanville, to whom it is generally aſcribed, was made chief juſtice of England, an. 1180, and is ſaid alſo to have held a military character, in which he led the king's armies more than once, and was the commander, an. 1173, who took the king of Scots priſoner. He is afterwards ſaid to have gone to the Holy War, where he was killed before the city

of

Hen. II. cario," contains an account of the number of hides of land held by the king's tenants in capite, eſcuages, &c. taken, as it ſeems, on occaſion of levying an aid for marrying the king's daughter to the Emperor; with the will of Hen. II. and ſeveral charters, conventions, &c. V. Bibl. Leg. Ang. P. I. tit. RECORDS.

Liber Ruber Scaccarii.

This alſo contains the *Dialogus de Scaccario*, the other contents being alſo in ſubſtance much the ſame with the above, but continued, as it ſeems, to the reign of king John, probably by ſome later hand. The compilation of this work being aſcribed to Alexander de Swereford, archdeacon of Shrewſbury, and an officer in the Exchequer the latter end of this reign. V. Reeves's Hiſt. Eng. Law, vol. I. 220 *.

of Acon, 1 Ric. an. 1190. Agreeable to theſe particulars, Lord Coke, in Pref. to 8th Rep. gives a circumſtantial account of Glanvil, as founder of the abby of Buttelay in Suffolk, and alſo of his family and deſcendants, from an ancient writing in his poſſeſſion. It appears, however, that Glanvil held the office of chief juſticiary until the very year in which he is ſaid to have been killed as above-mentioned, having been then diſmiſſed by Richard I. from that ſtation. *Spelman C d. Vet. Leg. Stat.*

M. Selden, further, in "Eccleſ. Juriſd. of Teſtaments," p. I. c. 5. doubts the circumſtance of this work being the compoſition of Glanvil; ſeveral of the beſt and moſt ancient copies having, he obſerves, the name of E. de N. which he had heard, from diligent ſearchers in this kind of learning, affirmed to have been E. DE NARBOROUGH, and not *R. d Glanvil.* The ſtudent will find a full account of this author, and of the contents of the work in "Reeves's Hiſtory Eng. Law," vol. I. 221.

* The originals of the two records above-mentioned are at the Remembrancer's Office. *Index to Records.*

Dialogus

Dialogus de Neceſſariis Obſervantiis Scaccarii *.

This book treats, in the way of dialogue, upon the whole eſtabliſhment of the Exchequer

* This Dialogue forms a part both of the Black book and Red book of the Exchequer; a MS. copy of it is in the poſſeſſion of George Fair, Eſq. which contains, in ſeveral parts, more than the print.

It is obſerved by Mr. Barrington, that it hath uncommon merit as a literary production of this reign. Obſ. on M. C. c. 4.

A ſingular obſcurity has attended the aſſigning this work to its proper author. It was long known, previous to being printed by *Madox in Hiſt. of Exchеq.* 1711, and was frequently quoted by *Spelman, Gloſſ. verb. Scaccarium*, &c. by the title of *Gervaſius Tilburienſis*, by which name it was alſo quoted by *Selden, in Titles of Honour*, 1614, who, however, in his table of authors in that work, acknowledges his miſtake in following the common opinion; and, upon the information of Mr. *Agard*, and the authority of *Alexander de Swereford*, archdeacon of Shrewſbury, in his Preface to the Red book of the Exchequer, aſſigns it to *Richard de Beaumes*, biſhop of London, temp. Hen. I. which was afterwards more fully confirmed by Madox in his epiſtolary diſcourſe prefixed to this Dialogue. It had, however, frequently been alſo quoted by the title of "Ockham, and Ockham's lucubrations," by *Spelman, in Gloſſ. verb. Juſticiarius, Cowel in Dict. tit. Exchequer*, and by *lord Coke*, 2nd. *Inſt.* 19, 44, 498, and often generally in his "Comment on Littleton," and under that title ſeems to have been very little known, 'till pointed out by Mr. *Hargrave in his notes on Coke upon Littleton*, as being the ſame with the Dialogue printed in Madox, which is ſince tranſlated and publiſhed under the title of *Dialogue of the Exchequer*, 4to. 1758.

It is ſaid of this treatiſe, "*Ockham*, in Henry II. his reign honours copyholders in thoſe elder times with the name of cuſtomary tenants; and Ockam not only ſpake worthily of them, but of their original, whoſe works, through the envy and tyranny of the times, have not had the liberty to appear in publique."

Epiſtola Medio Saxonica, or Middlesex, firſt letter to lord general Cromwell, 4to. 1653.

It is further obſerved by Mr. *Hargrave*, that it is not eaſy to gueſs lord *Coke*'s reaſon for attributing it to *Ockham*, and it ſeems equally unaccounted for by what authority it had generally obtained the name of *Gervaſius Tilburienſis*.

chequer as a court and an office of revenue, giving an exact and ſatisfactory account of the officers and their duty, with all matters concerning that court, during its higheſt grandeur in the reign of Hen. II. *Reeves's Hiſt. Eng Law*, vol. I. 220.

Tractatus de Moneta et Affaia, of this reign is mentioned as extant, by Dugdale, in *Cott. Lib. Cleop.* A. 16. *

Conſuetudines Angliæ quæ proponebantur Thomas Becket, Arch. Cant cum conſtitutionibus ejuſd regis renovatis in Normannia. *Bibl. Cotton. Titus A.* 13. n. 5. †

Faſcieulus Joannis de Oxoniæ de Cartis et contractibus. *MS. Norwic, More*, 290. ‡

Regimine Principum, ad regem Cipri, by St. Thomas. §

It appears a *Nicholas de Okham*, or *Ocham*, clerk to the treaſurer of the Exchequer, died 34 Edw. I. *Madox*, vol. II. 304.

Gervaſius Tilburienſis is author of ſeveral works of a different kind: 1. "Otia Imperialia," dedicated to the emperor Otho IV. (to whom he was related, as alſo to king Henry II.) quoted in Selden's "Titles of Honor," 437, edit. 1675, and extant in "Leibnitz Scriptor. Brunſwic.

2. "De Deſcriptione mundi ad Otton. IV. Rom. Imp. Liber partim Geographicus, partim Hiſtoricus. Inſcribitur Prophetia Merlini & multa habentur de regno Francorum De Carlo Magno et Imperatoribus Romanus poſt Carolum de mirabilibus unius cujuſque, cum aliis." MS. Cat. Lib. Cott. 116, N. 1. See further concerning his works in "Madox's Prelimin. Diſſert."

* V. poſt. under the reign of Edw. I.

† See *Nicolſon's Hiſt. Lib.* fol. 223. Edit. 1714.

‡ *Tanner's Bibl. Brit.* 568, where it rather ſeems to be by another author of the reign of Edw. I.

§ Quoted by Lord Chan. *Forteſcue, on Monarchy.*

RICHARD

RICHARD I.

ſurnamed COEUR DE LION,

Third Son of HENRY II. A. D. 1189*.

A. D. 1189. A. R. 1. A Council was held at Pipewell, at which Ranulph de Glanvil was depoſed from his ſtation of Juſticiary of England, and Hugh, biſhop of Durham, and William, Count of Albemarle, appointed to hold that Office.

The ſame year a general council was held at London, in which an expedition to the Holy Land was undertaken; and, being arrived at Dover, the king again appoints Hugh, biſhop of Durham, Juſticiary beyond the Humber, and William Longchamp, biſhop of Ely, his chancellor, to be Chief Juſticiary of England.

By a writ, dated Boulogne, extant in *Spelman*, *C. V. L. S.* the king directs obedience to be paid to William, biſhop of Ely.

The biſhop of Ely, Juſticiary of England, takes horſes of each city, &c. throughout the kingdom for the king's ſervice.

A. R. 2. The king, being arrived at Meſſina in Sicily, releaſes, by a charter, his claim of wreck throughout his dominions, which was afterwards confirmed and eſtabliſhed by the laws of Oleron.

* This year is aſſigned (by ſtat. Weſtm. 1 Edw. I. c. 38.) as the commencement of the legal term defined "within time of memory."

Rich. I. A. D. 1193. The king being taken priſoner, by letters to his juſtices (extant in Hoveden), dated Hagenou in Germany, requires 70,000 marks to be raiſed for his ranſom; by authority of which letters the King's Mother and the Juſticiary of England enacted, that a fourth part of the rents of the kingdom ſhould be given for his ranſom.

1194. On his return to England, the king held a council at Nottingham, in which he enacted a tallage of two ſhillings on each ploughland, which was antiently called TE MANTALE.

About this time were enacted certain regulations, or ordinances, concerning tournaments, the ſubſtance of which is extant in Hoveden. V. Spelman above cited.

The king returning from the Holy Land, inſtituted in the iſle of Oleron, in the bay of Aquitaine, certain rules and cuſtoms for the regulation of naval and maritime concerns, which were alſo introduced into England, where the Laws of Rhodes, which had been grafted on the civil law, had been already adopted V. Sir *Leol. Jenkins's Charges &c.* quoted in *Woodſon's Elements of Juriſprudence*, 64. *

* Theſe laws, called the laws of Oleron, were received by all nations in Europe as the ground and ſubſtruction of all their marine conſtitutions, and ſtill continue to be held of great authority in the maritime courts of France. Some French writers have endeavoured to make a title to the honor of the production of this maritime code, by attributing the original of theſe laws to Eleanor, ducheſs of Guienne, mother of king Richard. See the ſubſtance of what is advanced on this head by the French writers in "Park on Inſurance," Introd. xxv.

Juſtices,

Rich. I. 1195. Juſtices, and commanders of the navy, were appointed by the king, with a charter of the ſtatutes, to be obſerved by thoſe under their command, dated Chinon; recited in *Spelman as above.*

Several ordinances concerning the maritime juriſdiction were enacted at Grimſby about the beginning of this reign. They are recorded in the *Black book of the Admiralty*, p. 28, 29, 157, 158. The ſubſtance of which is extant in *Prynne on the* 4th *Inſt.* 108.

A. R. 5. About the end of this year juſtices itinerant were ſent into the different counties, with directions concerning the mode of proceeding in pleas of the crown, which are recited from *Hoveden* in *Spelman above cited.*

Capitula de Judæis are alſo extant as above, being probably the ſame as the charter * ſaid to be granted to the Jews, by which judges were appointed to hold courts touching the government of that people, particulars of which are mentioned in *Molloy Jure Marit.* B. III. c. 6. §. 4.

1195. By authority of the chief juſticiary, an oath was ordered to be taken throughout the kingdom for the ſuppreſſion of robbers. An ordinance concerning the puniſhment of thoſe who killed a clerk or a layman. *Spelman.*

1197. An aſſize of meaſures was enacted, extant from *Hoveden, in Spelman above cited.*

* Mentioned in the ſubſequent charter of king John (A. R. 1.) to James the Jew prieſt.

A tal-

Rich. I. 1198. A tallage of five ſhillings on every plough-land, on occaſion of which certain regulations were enacted for collecting it, which are recited as above.

The ſame year commiſſions were ſent into ſeveral counties with inſtructions for holding pleas of the crown, which are extant as above-mentioned, being intitled, *Capitula Placitorum Coronæ Regis.*

About the ſame time were enacted *Aſſiſa Regis de Foreſtis*, extant alſo as before-mentioned, and are thus more fully entitled: *Hæc eſt Aſſiſa Dom. Regis, et hæc ſunt præcepta de Foreſtis ſuis in Anglia, facta per aſſenſum et concilium Archiep. et Epiſc. Abbatum, Comitum, et Baronum et Militum totius regni ſui.*

In this reign were alſo enacted at Woodſtock, certain laws concerning hunting in the king's foreſts, and ſtill other regulations of this reign concerning offences againſt the foreſt laws, are mentioned in *Spelman abovecited.*

JOHN,

JOHN,

Fifth Son of HENRY II. A. D. 1199.

A.D. 1199. A Conſtitution (Conſtitutio) concerning the fees of the great ſeal.

The king's writ for eſtabliſhing the will of Hubert, archbiſhop of Canterbury.

A grant to the archbiſhop of Canterbury of the privilege of coining money in the city of Canterbury.

The above are extant in *Spelman Cod. Vet. Leg. Stat* from *Lib. MS Arch. Cant.*

A.R. 1 A charter granted to James, a Jew prieſt of London, of the prieſthood of the Jews throughout England. This charter is dated *Roan*, and is recited 2 *Inſt.* 508.

2 A charter was alſo granted to the Jews, confirming a former of Henry II. by which they had liberty to reſide and trade under certain reſtrictions in England and Normandy. And of the ſame date another charter of confirmation of liberties was granted, with the further privilege of being governed by their own laws: both which are recited in *Molloy de Jure Marit.* B. I. c. 6. ſect. 6.

2 The king iſſued an ordinance at Haſtings, aſſerting the honor of the Engliſh flag, which he enforced in a voyage with five hundred ſail under his command *.

* This ordinance which is recited in "Lib. Nig. Admiral," 57. and in "Selden Mare Clauſum, l. II. c. 26. is there quoted *inter leges marinas ſub fine anni ſecundi Reg. Joan.* See alſo Preface to Molloy de Jure Marit. and B. I. c. 3. Sect. 8.

Another

John. Another ordinance was enacted at Haſtings (probably among others of which notice has not reached us), prohibiting the taking of exorbitant cuſtoms from the merchants trading to England *.

This year the king ratified the uſage of his Exchequer touching ſuch debts as were due to the crown, the form whereof is ſet forth by R. Hoveden. Dugd. Orig. c. 4.

1201. A grant and confirmation to enable the archbiſhop of Canterbury to convert the lands held of his ſee in gavelkind into military tenures.

Alſo a grant and confirmation to the ſame archbiſhop, to hold aſſizes of the ſaid lands. Theſe are alſo extant in *Spelman* above-cited from *Lib. MS. Arch. Cant.*

Of this date appears the king's writ to Hugh de Neville for enforcing the laws of the foreſts of Henry II.

1202. Aſſize of bread according to the prices of grain.

About this time a law was made for re-regulating the price of wine †.

1204. A proclamation of an aſſize of money, and for ſuppreſſing of clipt money.

* This ordinance is alſo in part recited from *Lib. Nig. Adm.* and in *Exton's Marit. Decæd.* See alſo *Lib. Nig. Adm.* 59, 155, referred to by *Prynne on 4th. Inſt.* 108.

† Theſe laws, as alſo the following (not otherwiſe mentioned) are extracted from "Dugdale's Orig. Jurid." who records them as mentioned by the old hiſtorians, M. Paris, R. Hoveden, &c. and where the proper references may be found to them.

John. The ſame year, on occaſion of the death of the king's mother, a writ was iſſued for the releaſe of priſoners throughout the kingdom.

A. D. 1206. A writ that none accuſed of manſlaughter be held to bail.

A. R. 8 & 9. At a parliament held in this year an aid was granted to the king for the recovery of his dominions againſt the king of France; and at the ſame parliament, on complaint of the barons, &c. againſt the clergy concerning *Romeſcot*, the king granted his prohibition, or ſuperſedeas, to the clergy, that they ſhould do nothing therein *.

9. The prices of Goſhawkes were ſettled by authority of the juſtices.

1209. The king being at Briſtol, prohibited the taking of birds throughout the kingdom.

1213. The king iſſued a writ to the ſheriffs and port bailiffs for collecting ſhips, and alſo other letters to the ſheriffs to ſummon the people to appear armed at Dover.

A. R. 14. He executed a charter of reſignation of the crown of England to pope Innocent; which is extant in *Spelman, Cod. Vet. Leg. Stat.*

1214. A. R. 16. He afterwards grants to the archbiſhop of Canterbury the patronage of the biſhoprick

* V. Petyt's "Ant. Rights of the Commons," 134, where it is ſaid, We know that divers parliaments were in king John's time, though the laws made in them be loſt. See alſo "Selden's Titles of Honor," fol. 587.

John. of Rocheſter, which grant is recited in *Spelman* above cited *.

Alſo a grant to the archbiſhop of Canterbury of authority to deliver from priſon all clerks therein confined, for whatever cauſe detained.

1215. A charter was alſo granted to the clergy for free elections to the churches and monaſteries throughout the kingdom †,

At a council held at St. Alban's, at which were preſent Geoffry Fitzpeter, juſticiary of England, and the biſhop of Wincheſter (whom the king had appointed Cuſtodes Regni), the archbiſhop of Canterbury, and the biſhops and great men of the kingdom, the laws of Edward the Confeſſor were ordered to be reſtored, extortions prohibited, ſcotale aboliſhed; and the charter beforementioned of Henry I. being produced and recited, at a general meeting of the nobles at St. Paul's Church in London, the barons thereupon took an oath to reſtore and maintain theſe liberties, if neceſſary, with their lives. This meaſure brought about the happy dawn of legal liberty, by the promulgation of Magna Carta, from which period the enacting of laws and the adminiſtration of juſtice throughout the kingdom, have been

* Where it is ſaid the original inſtrument was in the hands of the biſhop of Rocheſter.

† Of this reign there are alſo extant grants to the biſhops and clergy, to uſe the trial by Ordeal, or Judicium ferri, aquæ et ignis. V. 4th *Blackſt. Com.* 344. (9th edit.) 9 *Rep.* 32. b. and *Spelman's Gloſſ.* verb. *Ordea*.

conducted

conducted more conſiſtently with the ſpirit of our conſtitution, and have acquired that ſtability and authority under which we now enjoy them.

During this turbulent reign no mention occurs of any writer on the ſubject of our laws, except the king himſelf, who, beſides ſeveral writings of a different kind, is ſaid to have written,

1. Leges Reipublicæ Anglicanæ.
2. Statuta Regalia.
3. Leges Hybernenſium *.

Certain judicial annals of this reign, entitled *Placita* 1 *ad.* 15. *Joan.* are extant among Sir *M. Hale's MSS. n.* 39, *in Lincoln's Inn Library* †.

It is propoſed in the enſuing pages to take a progreſſive view of the ſteps by which, at this critical æra, the important acknowledgment from the crown of the liberties of the ſubject was firſt acquired, and by what further meaſures it was afterwards finally eſtabliſhed as the corner ſtone of the fabric of our legal conſtitution. It is then intended to reſume the detail of our enacted laws in the order already obſerved.

* *Tanner Bibl. Brit.* 437 *ex Bale* III. 75, Pits. 289.

† Of which ſee *Hale's Hiſt.* C. L. 145. Others are alſo extant, together with collections of ſubſequent reigns, Harl. MSS. n. 7163. MSS. Dodſworth Cat. MSS. Ang. V. I n. 5015. ib. V. I. n. 1928.

III. MAGNA CARTA: Of the originals and authentic copies of it *.

The events that immediately preceded the granting of Magna Carta, are ſomewhat variouſly related by the old hiſtorians: but the ſubſtance of thoſe accounts is, by Mr. Juſtice Blackſtone, abſtracted with that elegance and perſpicuity which ſo eminently diſtinguiſh his pen, in the Introduction prefixed to his edition of "MAGNA CARTA. The following account of the original grant and enumeration of the ſeveral renewals of Magna Carta, will be found of uſe to the ſtudent in his peruſal of the ancient law writers, and occaſional reference to the old hiſtorians, who, in mentioning this venerable record of our liberties, are frequently led into great miſtakes, and apparent contradictions of each other, through the obſcurity which, in more remote times, involved the ſubject of the alterations and amendments that had progreſſively taken place in the ſeveral re-enactions of this important declaration of our legal rights. This intereſting part of our hiſtory is greatly illuſtrated in the above elegant work, from whence the following particulars are principally extracted.

* The more antient printed editions of Magna Carta may be ſeen in *Bibl. Leg. Angl.* p. 1. tit. STATUTES.

At

John. A. D 1215. A. R. 17. At a meeting of the king and the barons, which took place at Runemede near Windſor, June 15, and which held till June 19, 1215, certain preliminary articles were agreed upon to be reduced into the form of a charter, which are accordingly entitled,

ARTICULI MAGNE CARTE LIBERTATE.

The original inſtrument itſelf is ſtill extant in a very legible and perfect ſtate, the king's ſeal little injured, and was lately in the poſſeſſion of David Mitchell, Eſq. executor of Sir Thomas Burnet, to whom it had devolved from his father, Biſhop Burnet *, having formerly been in the poſſeſſion of archbiſhop Laud (ſee Burnet's Hiſt. Own times, p. 32), which, with ſeveral other particulars relating to it, may be ſeen in Blackſtone's 'Introduction to the Charters," among which there is a copy taken from the above-mentioned original, with engraved repreſentations of the king's ſeal thereto affixed. A copy of them is alſo preſerved in an antient book belonging to the archbiſhop's library at Lambeth, from whence Sir *H. Spelman* tranſcribed them in his *Codex Leg. Vet. Stat.* publiſhed by *Wilkins in Ll. Anglo-Saxon.*

* It is obſervable, that the firſt publication of theſe articles was occaſioned by a particular clauſe in them, being quoted by biſhop Burnet in his famous Paſtoral Letter, which was burnt by order of the Houſe of Commons, and the exiſtence of that clauſe being doubted by ſome of his antagoniſts, the whole was thereupon printed (though ſomewhat incorrectly, as it is obſerved by Blackſtone) in a tract entitled *Reflections upon the opinions of ſome modern divines concerning the nature of government in general, and that of England in particular*, 4to. 1689, which tract was afterwards reprinted in *State Tracts privately printed in the time of king William*, vol. I. p. 446. The capitula or articles above-mentioned are alſo printed with a tranſlation in a late book entitled *Hiſtory and defence of Magna Charta*, 8vo.

This

John. A. D. 1215. A. R. 17 June 15. This date appears to be the time of the firſt complete execution of Magna Carta. Two, if not three, originals (of which it is ſaid antiently, one was depoſited in every county or dioceſe), of this ſame date are ſtill extant. The two are in the Britiſh Muſeum, having been removed thither with the reſt of Sir Robert Cotton's invaluable collection; to one of theſe the ſeal is ſtill appendant, though ſomewhat defaced, the parchment alſo being greatly ſhrivelled up, and the words contracted, occaſioned by the unfortunate fire at Cotton houſe before their removal; from which accident it being apprehended that ſome parts of it would not continue much longer legible, Mr. Onſlow (then Speaker of the Houſe of Commons, and at the head of the Committee appointed to examine into the damage done on that occaſion) directed an exact copy to be taken, ſupplying the defects from the other original by red letters, which was ordered to remain in the library *ad perpetuam rei memoriam.*

The other Cottonian original, of which the ſeal has been a long time loſt (but which is ſuppoſed formerly to have had the ſeals of ſeveral of the barons affixed to it), is much fairer than that above mentioned, from which Mr. Pine's engraved copy of Magna Carta was taken, having been executed under the direction of the Society of Antiquaries, and embelliſhed with a border conſiſting of the names and arms of the twenty-five barons who were elected in purſuance of the charter to be the guardians of the liberties of their country,

try. From theſe originals, and Mr. Pine's copy, and an ancient copy preſerved in the Red book of the Exchequer, compared alſo with the articles before-mentioned, Sir William Blackſtone has publiſhed a correct copy, diſtinguiſhing the variations between them, with a copy of the convention (extant in the Tower) by which the cuſtody of the city and tower of London was delivered to the barons, as ſecurity for the performance of Magna Carta.

The third original of king John's charter was collated by Mr. Tyrrel, with Matthew Paris's copy, about the beginning of this century, being then among the archives of the dean and chapter of Saliſbury, but, upon diligent ſearch made in 1759, could not be found, and is ſaid to have been miſſing thirty years prior to that time.

Sir Matthew Hale mentions another original of king John, under ſeal, which was ſent to the abbey of Tewkeſbury. Hiſt. of Com. Law, 8. *

A French copy of king John's charter is alſo extant among the records in France, to which is annexed the king's writ to the ſheriff of Hampſhire, dated Odiham, 27th June, an. reg. 17, directing obedience thereto. It is publiſhed by *Dachery* in his *Spicelegium* †.

* See alſo Wright's Tenures, 84, 85.

† Printed alſo in *Reflections on the Opinions of ſome modern Divines*, 4to. and in *Hiſtory and Defence of Magna Carta*, 8vo.

Nov. 12. 1216. A. R. 1. Hen. III. MAGNA CARTA

It is ſomewhat ſurprizing in the opinion of Sir W. Blackſtone, that none of our hiſtorians, antiquaries, or lawyers, have taken any notice that he had met with of this charter, except Mr. Tyrrel and Mr. Prynne, to whom it ſeems to have been very imperfectly known; but its exiſtence is beyond a doubt, being not only mentioned in a public record of the ſame year, but the original itſelf is fortunately preſerved in the cathedral of Durham, being ſealed, as itſelf teſtifies, with the ſeals of Gualo the legate, and William, earl of Pembroke, king John's great ſeal having been loſt in paſſing the waſhes of Lincolnſhire, and no new ſeal having been made for king Henry till two years after. The labels only of the ſeals remain *.

Sir William Blackſtone has given a very particular deſcription of this charter, with an account of its variations from that of king John, which are very conſiderable and important, and firſt made public a copy of it in his Magna Carta, &c.

A.D. 1217. It appears from an ancient chronicle or regiſter, entitled "Liber de Antiquis legibus," fol. 38. b. preſerved at the Town-

* A duplicate of this charter (1 Hen. III.) was tranſmitted to Ireland under the ſeals of the legate and protector, with ſome few local alterations. The original of this Iriſh charter is not now, perhaps, extant; but there is an antient entry of it in the Red book of the Exchequer at Dublin, which Mr. Tyrrel appears to have been in ſome degree acquainted with. This alſo was firſt given to the public in the abovementioned curious work, with an account of its variations from the charter beforementioned.

Clerk's

Clerk's office, London; that in the ſucceeding year a new charter of liberties, with ſeveral remarkable additions and improvements, was granted and ſealed by the legate, and William Mareſchal the elder; and that at this period was alſo firſt granted the charter of the foreſts. Theſe particulars ſeem alſo unnoticed by all our hiſtorians, except imperfectly by Tyrrel (Bibl. Polit. fol. 348) *. They are, however, inconteſtably confirmed by the original charter itſelf, to which there ſtill remain, affixed by parchment labels, the ſeals of Gualo the legate, and William Mareſchal, earl of Pembroke †. This invaluable piece of antiquity is depoſited in the Bodleian library at Oxford, having been bequeathed, among others, to the Univerſity of Oxford, by the Rev. Richard Furney, late archdeacon of Surry. There is alſo an authentic entry of this charter written by a contemporary hand in the very antient book above-mentioned. An account of the variations from the former charter is given by Sir William Blackſtone, as alſo the various readings that appeared on collating it with the aforeſaid original, which are properly diſtinguiſhed at the foot of the page in *Magna Carta*, with a deſcription of the ſeals in

* See alſo "Petyt's Ant. Right of the Commons," Append. 135.

† This memorable nobleman died A. D. 1219, and was interred in the Temple church, where a monument of him ſtill remains, being repreſented by the figure of one of the knights templars, hewn in ſtone, lying croſs legged. "Newcourt's Repertor." vol. I. 546, quotes 'Stowe's Survey, 441. An Epitaph on him written by Gervaſius de Melkeleya, who is ſaid to have been an eminent poet, mathematician, and philoſopher of this reign, is extant in Tanner Bibl. Brit. 314.

their actual ſtate. There are alſo noticed, as above, ſeveral antient MS. copies of this charter extant in various public libraries.

About the ſame time, as is before-mentioned, the *Carta de Foreſta* was firſt granted, notwithſtanding the authority of ſome writers, who attribute the original of it to king John. It is almoſt conſtantly ſubjoined to the copies of the great charter from this period; but the original charter of the foreſt, and all authentic records of it, are at preſent loſt, notwithſtanding which, ſufficient evidence appears on the records of 2 Hen. II. for aſcertaining its original at this period *.

9 Hen. III. A. D. 1224. A renewal of theſe charters was agreed to by the king in parliament this year, of which Blackſtone has given an exact copy from an original in the poſſeſſion of John Talbot, Eſq. of Lacock in Wiltſhire, to which the ſeal is ſtill affixed, though ſomewhat defaced, but it is the only fair and perfect original of the date known to be extant †, except one in the cathedral of Durham, which has been alſo in ſome degree defaced and obliterated by the unfortunate accident of overturning a bottle of ink upon it: to

* It further ſeems, that Magna Carta was about this time confirmed by Parliament, and obtained the title of "Statute of Magna Carta," P. 5 Hen. III. "Fitz Mordaunc," pl. 53, and "Petyt's Rights of the Commons, 135. But ſee Hale's note on Co. Lit. 43 b.

† A fair original of this charter, under ſeal, is mentioned by Tyrrel in "Bibl. Polit. 349, in the poſſeſſion of Sir Nathaniel Powel, of the Inner Temple, which it is ſuppoſed belonged to Battel Abbey, but it is not now known in whoſe poſſeſſion it remains.

this

this laſt, however, the great ſeal, which is of green wax, ſtill remains, and is entirely perfect, and of which a repreſentation is engraved and affixed to the printed copy in Blackſtone, at the foot of which are alſo noted the ſeveral alterations made in the great charter at this time*, and the variations that appear on collating the originals with the moſt authentic copies that are extant of them; being an antient entry in the Red book of the Exchequer, an inſpeximus of 28 Edw. I. which remains under ſeal in the archives of Oriel College, Oxon. as alſo another in the collegiate church of Weſtminſter, of which the ſeal is loſt, and two inrollments of it in the Tower of London.

CARTA DE FORESTA.

9 Hen. III. An original of this date, being the only one known to be extant, to which alſo the ſeal of green wax is ſtill extant, and in a perfect ſtate, is in the cathedral of Durham, but is unfortunately greatly mutilated by the gnawing of rats. It is publiſhed by Blackſtone, the defects being diſtinguiſhed and ſupplied from an authentic and contemporary entry in the ledger book of the chapter, collated with a complete inſpeximus of 28 Edw. I. preſerved in the ſame archives, and another of the ſame date belonging to Oriel col-

* It is obſerved, that there is a material omiſſion in Magna Carta, as it now ſtands in our ſtatute books of 9 Hen. III, compared with the originals of that date. *Reeves's Hiſt.* vol. I. 73.

lege, both under the great ſeal; as alſo with two inrollments of it in the Tower. The various readings of each being properly noticed at the foot of the page.

A. D. 1236. 21 Hen. III. King Henry having, it is ſaid, on his coming of age, revoked the charters of the foreſt, the parliament demanded a confirmation of the two charters, which the king complied with in the grant of *Carta Confirmationis*, of which an original, under ſeal, is extant in the Bodleian library, among Mr. Furney's collection, perfectly fair and complete, from whence Blackſtone's edition is taken, with the repreſentation of the ſeal. There is alſo an enrollment of it in the charter roll, and a very antient copy of it in the Cotton library (Galba E. 4. 57), and it is likewiſe inſerted by Hemingford, in his Chronicle, p. 570, ſubjoined to an inſpeximus of the great charter.

A. D. 1253. 37 Hen. III. The clergy having complained of the infraction of the great charter—the charters were republiſhed, and the ſentence of excommunication which had been more privately denounced, A. D. 1224, and 1237, was again renewed with great magnificence and ſolemnity in Weſtminſter Hall, the king, who joined in the ceremony, and his nobles, attending in perſon. The copy from which Blackſtone has printed the *Sententia Excommunicationis lata in tranſgreſſores Cartarum*, is a coeval entry in the Red book of the Exchequer at Weſtminſter; but there are many copies of it extant in our old hiſtorians, and in moſt of the antient manuſcript collections of

of our ſtatutes, no two of which, in all points, are ſaid to agree. To this ſentence, however, the king and his nobles, by a proteſt made ſome exceptions to particulars in it not contained in the charters; notwithſtanding which the whole of it was confirmed by a bull from the Pope, and adopted by archbiſhop Peckham, as a part of the Engliſh canon law.

A. D. 1264. 49 Hen. III. A further confirmation of the charters occurs after ſeveral intermediate writs and proclamations to the ſame purpoſe, at this time when the king, to procure the prince's liberty, ſet his ſeal to another *Charter of Confirmation*, with the inſertion of a remarkable clauſe: This charter is printed from the original record in Blackſtone's Magna Carta, with the repreſentation of the new ſeal, which the king had adopted. There is an ancient manuſcript copy of this charter, and of another of ſimilar contents, ſealed by prince Edward on his being ſet at liberty, together with an inſpeximus and confirmation of the great charter, in the Cotton library (Claud. D. 2. fol. 137, &c.). A copy alſo of this laſt inſpeximus and confirmation, comprizing both charters, is in the Harleian library (N° 489.)

There occurs nothing further remarkable relating to the charters during this reign, except the general proviſion for their obſervance in the 5th chap. of the ſtat. of Marlebridge, which is alſo printed by Blackſtone from a MS. in the Cotton library. (Claud. D. 2.)

At

A. D. 1297. 25 Edw. I. At this time new jealouſies having ariſen on the ſubject of the charters, the ſtatute uſually called *Confirmatio Cartarum*, was paſſed in parliament in the form of a charter by the prince (being regent of the kingdom), in the name of his father, which is entered on record at the Tower; and, a few days after, both charters were recited and confirmed by *Inſpeximus*, teſted in the name of prince Edward; the various readings of which are alſo given in the courſe of the work beforementioned. The *Confirmatio Cartarum* having been tranſmitted to the king, then in Flanders, his ſeal was affixed thereto, which original inſtrument is ſtill extant, but without ſeal, among the Cotton charters in the Britiſh Muſeum, and conſiderably damaged by fire in 1731; but being ſtill legible, Sir William Blackſtone took his copy from this moſt authentic original.

A. D. 1298. 27 Edw. I. Notwithſtanding the ſecurity thus given, it was thought neceſſary, that the king ſhould now, on his return to England, again confirm theſe charters, which was accordingly done with a ſaving of the rights of his crown; but, finding the people ſtill unſatisfied, he is ſaid to have confirmed them abſolutely, and without reſtriction, in another parliament holden within the ſame year of his reign.

A. D. 1299. 28 Edw. I. At another parliament held this year the charters were again confirmed by the ſtatute called *Articuli ſuper Cartas*, by which many additional liberties were granted, which bear little or no relation to thoſe granted by the two charters; the firſt part only of that ſtatute is, therefore, printed by Blackſtone from

A. D. 1300. 28 Edw. I. from the ſtatute roll in the Tower, and in conſequence of the regulations therein made, charters of inſpeximus were iſſued, ſeveral of which ſtill remain at Durham, Weſtminſter, and Oriel college, and alſo on record at the Tower, which have occaſionally been conſulted and collated by Blackſtone.

A. D. 1300. 29 Edw. I. The regulations eſtabliſhed by the *Confirmatio Cartarum* (a principal purpoſe of which was to fix the boundaries of the foreſts), being carried into effect, the king, by his letters patent confirmed the two charters in a full and ample manner; an original of this charter, with the great ſeal of white wax appendant thereto, is extant in the Bodleian library, among Mr. *Furne's* charts, from whence it is exactly printed at the end of Blackſtone's Magna Carta, with an accurate repreſentation of the device of the ſeal, and of the counter ſeal. There is another of theſe charters in the archives of Chriſt-church, Oxford, and Mr. Prynne mentions four that he had found in the Tower of London. This ſeems to have been the final and complete eſtabliſhment of the two charters of liberties and of the foreſt, which from their firſt conceſſion under king John, A. D. 1215, had been often endangered, and undergone very many mutations for the ſpace of near a century, but were now fixed upon an eternal baſis, having in all, before and ſince this time (as Sir Edward Coke obſerves, 2 *Inſt. Proem*), been eſtabliſhed, confirmed, and commanded to be put in execution by two and thirty ſeveral acts of parliament.

IV. LAWS and LAW-WRITERS from HENRY III. to EDW. III. A. D. 1216. to A. D. 1377.

A. D. 1216. BESIDES the ſeveral confirmations and republications of Magna Carta which are before noticed, the laws and meaſures adopted by the enacting power for the general regulation and adminiſtration of the kingdom, appear from this period to have been preſerved in rather a more authentic manner than in the former reigns. Such evidences of them as have reached our times are, for the moſt part, included in the ſeveral collections of the ſtatutes, and are generally comprehended under that title, though it appears that many of them ſo deſcribed are not entitled to that diſtinction in the ſtrict import of the term. They have, however, by long preſcription, held a place in the collection of the acts of our legiſlature; and are accordingly hereafter enumerated, together with ſuch other remains of our enacted laws of the ſame period, as on the authority of writers eminent in this branch of learning, appear to be equally entitled to rank in our legiſlative code.

It is, however, probable, that a conſiderable part of the evidences of our legal hiſtory of this period have periſhed, and that many branches of our law, of which the origin cannot now be traced, had their foundation in ſome ſtatute of theſe earlier reigns; this conjecture is ſupported by the authority of Glanvil and Bracton, who, it is obſerved, by

Hen. III. by a late author, who has very much illuſtrated this part of our law, make frequent mention of the introduction of laws enacted in the council of the realm, of which no other evidence now remains. *Reeves's Hiſt. of Eng. Law*, vol. I. 151, 152, 182, 215, 216, 440. It is further confirmed by a late publication of a copy of the act of 3 Edw. I. *Vide poſt.*

A. R. 3 Trial by ordeal aboliſhed, it is ſaid, by act of parliament *, but, as it ſeems, more probable by the king in council †; to which purpoſe the king's writ to the juſtices itinerant is extant in *Wilkins. Cod. Vet. Leg.* 381.

14 Statute of Ireland ‡.

17 Statutum, ſeu potius Ordinatio de mutanda pecunia non per tallia ſed per cyrographum, cujus pes reponi deberet in arca, edita 4 Ap. in Craſt. Paſch. apud Cantuar §.

20 Statutes of Merton, containing eleven chapters.

An edict of this date is regiſtered among the records at Bourdeaux, by which the king abrogated a cruel cuſtom, entitled *Droit de Bris*, in caſes of ſhipwreck, which edict extended to England as well as to the king's tranſmarine dominions of Guienne, &c. It is recited in *Sea Laws*, 4to. 155.

21 Statute of the Leap Year.

* *Cowel's Dict. by Manley, in verb.* ORDEAL.

† 4 *Black. Com.* 435.

‡ The ſtatutes, ordinances, &c. hereafter following are extant in the later editions of the ſtatutes, except thoſe inſtances otherwiſe mentioned, to which references are added, pointing out the authorities on which they are here noticed.

§ *Catal. Harl. MSS.* N° 339. 10.

Hen. III. A. R.

Charter granted to the Inhabitants of Romney Marſh.

36 42 Ordinance of Hen. de Bathe, for eſtabliſhing laws for the government of Romney Marſh *.

The two articles above-mentioned have been ſeveral times printed with others of a later date, under the title "Charter of Romney Marſh, &c." V. *Bibl. Leg. Ang.* P. 1. *tit.* CUSTOMS,

43 Charter (ſo termed) inforcing the late proviſions of Oxon †. *Rot. Pat.* 43 *Hen.* III. *m.* 15, *n.* 40.

49 Charter of Pardon after the battle of Lewes. *Rot. Cart.* 49. *Hen.* III. *m.* ‡ 4.

50 The laws of Oleron were ratified and republiſhed under the ſeal of the Iſle of Oleron, as ſome printed copies atteſt. Prynne on 4th Inſt. 108.

51 Statute of Bread and Ale §.

Statute

* It is obſerved by Lord Coke, 4 Inſt. c. 62, fol. 276, that from theſe excellent laws the whole kingdom receives light and direction, as being the ground of all the laws concerning ſewers throughout England; and they are accordingly recognized by ſeveral ſubſequent acts of parliament, 6 H. VI. c. 5—23 H. VIII. c. 5.—15 Car. II. c. 2.

It is obſervable, that in the Life of Hen. de Bathe, in Biogr. Britan. no mention is made of this celebrated ordinance.

† This is extant in the old Engliſh of this time, with a modern Engliſh tranſlation in Somner's Dict. *verb* Unnan; it is thence printed in "Tyrrel's Hiſt. of Eng. vol. II. Append. 25." A writ to the ſame purpoſe, 49 Hen. III. is alſo extant as above.

‡ This is alſo extant in Tyrrel above quoted, 54.

§ This is ſaid to be an *inſpeximus* of certain ordinances of the aſſize of bread and ale, and of the making of money and meaſures made

Hen. III. Statute concerning common days in bank.

Statute concerning common days in a writ of dower.

Statute of diſtreſſes in the Exchequer.

Statute of the Exchequer.

Statute of the pillory and tumbrel.

A. R. 52 Award made between the king and his commons at Kennelworth.

Statutes at Marleberge or Marlborough, containing twenty-nine chapters *.

54 Statute concerning the Jews †.

There is little extant in any regular ſeries of the judicial deciſions ‡ of this long and unſettled reign There are, however, many determinations extant in Bracton, and many others are abridged by Fitzherbert, from authorities which are now probably loſt. Several other collections remain in our public libraries, among which are the following;

Placita apud Weſtm. 7 & 8 Hen. III. in Com. Ebor. & aliis comit. from Mr. Selden's Collections.

made in the time of the progenitors of this king. *Report of Comm.* of H. C. on weights and meaſures, in *Rep. H. C.* vol. II. 414.

* It is obſerved by Mr. Serjeant Hawkins, that a part of theſe ſtatutes had been before enacted in an. 44 Hen. III. Hawkins's ſtatutes, vol. VI. 662.

† A ſtatute on this ſubject is quoted by Dr. Tovey in Anglia Judaica; but the authority of it, as an act of Parliament, is ſtrongly contradicted by the author of *Queſtion whether a Jew, &c. be capable of purchaſing lands, &c.* 4to. 1753, in which the ſuppoſed ſtatute is printed at length.

‡ Of which ſee *Hale's Hiſt. Com. Law*, C. VII.

Hen. III. Placita apud Kingſton, coram Rege 18 Hen. III. De puero circumciſo apud Norwicum *.

Placita temp. Hen. III. apud Weſtmonaſt. De terris in Comitatu Cumbriæ & alibi †,

The Law Writers and Treatiſes of this reign are,

HENRICI DE BRACTON, *de legibus et conſuetudinibus Angliæ* ‡.

The author was a juſtice itinerant 29 Hen. III. and is ſaid by Lord Coke, in Pref. to 9 Rep. to have been a judge of the Common Pleas; and, by Leland, to have been Chief Juſtice of England; but theſe latter circumſtances do not appear to be founded on any authority now extant.

The work is reputed the ornament of the reign of Hen. III. and exhibits a very comprehenſive ſyſtem of the law as it ſtood at that time, and is eſteemed a very accurate and methodical treatiſe.

It appears to have been printed under great diſadvantages on account of the difficulty of procuring a correct copy, the methodical arrangement and diſtribution of the ſubject, as compoſed by the author, being beſides not properly attended to; this defect is

* The above are extant, *MSS. Dodeſworth, Cat. MSS. Ang.* vol. I. n. 5093.

† Ib. vol. II. n. 609. See alſo *Harl. MSS. n.* 4286.

‡ V. Bibl. Ang. Leg. P. I. *tit.* Common Law;

ſomewhat

Hen. III. ſomewhat obviated by an analytical abſtract of the ſeveral diviſions of the chapters in Mr. *Reeves's Hiſt. Eng. Law*, vol. II. 86, which alſo contains a digeſt of the contents of this venerable code of the antient law of this kingdom.

It is remarked by the author of the title *Bracton* in *Biographia Britannica*, that great pains were taken in reprinting this work, 4to. 1640, by collating various MSS. to make the text as perfect as might be, of which an account is given in the preface ſigned T. N. with a table of the various readings; but it is obſervable, that the ſame preface and table, were originally prefixed to the folio edition in 1569. On the other hand it appears, that notwithſtanding ſeveral errors had been pointed out by Selden in his Titles of Honour, 1614, they ſtand equally uncorrected in the edit. 1640. We are informed, as above, that one of the moſt authentic MS. of Bracton was burnt in the fire at Cotton Houſe, 1731. A very fair and antient MS. of Bracton, which is ſuppoſed to be more correct than the printed copies, is extant in the library of Lincoln's Inn, N° 136, thus indorſed: "Bracton faire "written in parchement, ex dono Ranulphi "Cholmeley, Serjeantis ad legem et recorda-"tor civitat. London." R. Cholmely was recorder of London, 1553, and ſerjeant at law 1 Eliz. 1558.

GRAND Coutumier of Normandy.

Of this work lord *Hale* obſerves, *Hiſt. of Common Law*, ch. 6. This book does not only

Hen. III. only contain many of the ancienter laws of Normandy, but moſt plainly it contains thoſe laws and cuſtoms which were in uſe here in the time of king Henry II. Richard I. and king John; yea, ſuch alſo as were in uſe and practice in that country after the ſeparation from the crown of England; for we ſhall find therein, in their writs and proceſſes, frequent mention of Richard I. and the entire text of the 110th. chapter thereof, is an edict of Philip, king of France, after the ſeverance of Normandy from the crown of England. I ſpeak not of thoſe additional edicts which are annexed to that book of a far later date. So that we are not to take that book as a collection of the laws of Normandy, as they ſtood before the acceſſion or union thereof to the crown of England, but as they ſtood long after under the time of thoſe dukes of Normandy that ſucceeded William I. and it ſeems to be a collection made after the time of king Hen. III. or at leaſt after the time of king John, and conſequently it ſtates their laws and cuſtoms as they ſtood in uſe and practice about the time of that collection made; which obſervation lord Hale conſiders as neceſſary to be attended to, in treating of the law at this period.

EDWARD

EDWARD I.

THE reign of this king, who has from the writers on our law obtained the title of the Engliſh Juſtinian, is celebrated as the æra of great perfection in our laws, on which ſubject Sir *Matthew Hale* affirms, that more was done in this reign, and particularly in the firſt thirteen years of it, to ſettle and eſtabliſh the diſtributive juſtice of the kingdom, than in all the ages ſince that time put together. An enumeration of the principal improvements of the law in favour of the ſubject, for which we are indebted to the wiſdom of the government under this reign, is to be found very perſpicuouſly treated in *Blackſtone's Comm.* vol. IV. c 33.

A. D. 1272. A. R. 2. Ordinances made at Haſtings by the king, *et ſes ſeignors*, concerning contracts made within the juriſdiction of the admiralty, and for regulating other maritime concerns, are recorded in the *Black Book of the Admiralty*, p. 29 *.

3. Statute of Weſtminſter, I. containing fifty one chapters.

Statutum de Nova Cuſtuma Lanarum, Pellium, et Corium †.

Statute

* Extracts from theſe ordinances are extant in Prynne on 4th. Inſt. 108.

† This ſtatute, which is loſt from among the records, has been the ſubject of great diſpute among the learned, ſome of whom have contended, that the cuſtoms or duties thereby enacted were taken by virtue of the king's prerogative, excluſive of any ſtatute for

Edw. I. A. R. 4 Statute for the extent of a manor.

Statute touching the office of coroners.

Statute of bigamy, containing ſix chapters*.

Statute called Rageman, of juſtices aſſigned †.

Statuta de Wiganiſuſage de Kent ‡.

6 Statutes of Glouceſter, containing fifteen chapters.

Expoſition of the ſtatute of Glouceſter ||.

Statute of Quo Warranto the firſt.

7 Statute forbidding bearing of armour.

Statute of Mortmain.

9 Correction of the twelfth chapter of the ſtatute of Glouceſter, touching calling foreigns to warranty in London.

Statutes made by the king and his council in the county of Weſtmoreland §.

for that purpoſe; they accordingly appear by the judges in queen Elizabeth's time to have been conſidered as of common law original. *Dyer* 165, *b.*—The contrary was, however, contended for by lord Coke, 2 Inſt, 58, 59, and lord Vaughan. Vaugh. Rep. 161. whoſe opinions on that ſubject are now fully eſtabliſhed by the late publication of a tract of lord Hale upon the cuſtoms, in which this act is recited, as copied from the ſeveral records of this date in the Exchequer. V. *Hargrave's Law Tracts*, 146.

* Said to be no act of parliament, by Juſtice Shard. 30 Aſſ. 5.

† Printed in Vet. Magna Carta, &c. and in Cay's edit. of Stat.

‡ Theſe, among other antient ſtatutes, are extant in MS. in Aſhmole's Muſeum in the Bodleian Library at Oxford, thus deſcribed, *Statuta de Wiganiſuſage de Kent, &c. cum expoſit. vocabulor. membr.* 16. *partim Lat. partim Gallice.* 1276. Cat. MSS. Ang. vol. II. n. 7867.

|| This is no ſtatute. Mayn. Edw. II. 265.

§ Printed in Append. to *Ryley Plac. Parl.* 443. from *Fœd. Claus.* 9 Edw. I.

Edw. I. A. R. New ſtatute of the Exchequer, called the ſtatute of Rutland *.

10 Statute of Acton Burnel.

11 Statute of Wales.

12

13 Statute of Weſtminſter II. containing fifty chapters.

Statute of Winchester, containing ſix chapters.

Statute of merchants.

Statute of *Circumſpectè agatis* †.

Statute for the city of London.

Form of grants, and of exemplification of charters.

14 Statute of Exeter.

Articles of the Statute of Exeter.

16 *De Superioritate Maris, et de Jure Officio Admiralitatis* ‡

17 *Ordinatio pro ſtatu Hiberniæ.*

18 Statute of Weſtminſter III. viz. *Quia Emptores*, containing three chapters.

Statute upon the writ of *Quo Warranto.*

New Statute of Quo Warranto.

The manner of levying fines.

20 Statute of vouchers.

* This is no ſtatute, but a writ only. V. Prynne on 4th Inſt. 55. 56.

† This is declared to be no ſtatute, 19 Edw. III. *Fitz. Jurid.* 28. but it is recogniſed as ſuch by 1 & 2 Edw. VI. c. 13. See Cofins's Apology, &c. 4to. 157.

‡ A memorable record recited in Selden, Mare Clauſum, l. II. c. 19, 24, 28. —— 4 Inſt. 142. And ſee Prynne on 4th Inſt. 109.

Edw. I. Statute of waſte *.

Statute *De defenſione juris.*

Statute of money.

Little ſtatute of money.

A. R. Articles of money.

21 Statute of perſons to be put in aſſizes.

Statute of treſpaſſers in parks.

Statutum de Conſuetudinibus Kanciæ †.

24 Statute upon the writ of conſultation.

27 Statute of fines levied, containing four chapters.

Ordinance for purchaſing liberties.

Statutum de Falſa Moneta ‡. This is mentioned in a contemporary record, by the title of "Ordinacio facta per ipſum regum et conſilium ſuum in parliamento tento apud Stebunheth, *De Argento extra regnum non portando et moneta extranea infra regnum de partibus tranſmarinas non carianda* §."

Statutum factum apud Sanctum Albanum, *De Aula non tenenda in hoſpicio ipſius Regis* ‖.

Statutes

* Said to be no ſtatute. *Hale's Hiſt. C. L.* 15.

† Printed Vet. Magna Carta, by Tottel, 1556. It is frequently quoted by lord Coke by the above title; but the authority of it, as a ſtatute, has been diſputed. V. *Nicolſon's Hiſt. Lib.* fol. 189, edit. 1714. and *Bib. Leg. Ang.* p. I. tit. GAVELKIND.

‡ Printed in Hawkins and the ſubſequent editions of the Statutes.

§ *Liber Cotidianus Contrarotulatoris Garderobæ, p.* 8.

‖ This alſo is mentioned in the ſaid record; but it is obſerved by Mr. Topham, in his obſervations on the publication of that work, that this is no ſtatute made in parliament, but an ordinance for regulating the houſehold during the abſence of the king; that a table

Edw. I. Statute of wards and reliefs *.

A. R. Statute of perſons appealed by approvers.

28 Statute of priſes †.

29 Statute of eſcheaters.

31 Ordinance of meaſures ‡.

Charta Mercatoria, entitled *Pro Mercatoribus alienigenis de libertatibus eis conceſſis* §.

33 Statute of Protections.

Definition of Conſpirators.

Statute of Champerty.

Ordinance for inqueſts.

Ordinance of the Foreſt.

Ordinance of meaſuring land.

Ordinatio facta per Dominum Regem ſuper ſtabilitate terræ Scociæ ‖.

a table ſhould not be kept, but that board wages ſhould be allowed inſtead thereof. Similar regulations (it is obſerved by the ſame author) have obtained the name of ſtatutes: *e. g.* The ſtatutes of the houſehold of Edw. III. The ſtatutes of Eltham, which were deviſed by the king. *Obſerv. on the Wardrobe Account*, 28 Edw. I. p. xxxvi. It is here remarkable, that the words *Statutum* and *Ordinacio* were at this time uſed indiſcriminately, and that they were not then underſtood to denote any different degree of authority in the manner of enacting laws.

* This is ſaid to be no ſtatute, and nothing more than a marginal note on ſome old book of entries. *Nicolſon's Hiſt. Lib.* 189. *edit. fol.* 1714.

† This is by ſome mentioned as a ſeparate ſtatute, but it is word for word contained in the ſecond chapter of Articuli ſuper Cartas. V. Cay's Stat. vol. I. 196.

‡ This ſeems rather an explanation of weights and meaſures by reference to the ſtatutes of the realm, than a ſtatute of itſelf. V. Hargrave's Law Tracts, 152.

§ Recited in lord *Hale's* "Tract on the Cuſtoms," publiſhed in *Hargrave's* "Law Tracts," 157, and in Prynne on 4th Inſt. 31.

‖ Printed in Ryley's Plac. Parl. Append.

Edw. I. A. R. 34 De Ordinatione pacis terræ Scociæ publicanda *.

Statute of joint-tenants.

Articles of inquiſition upon the ſtatute of Wincheſter.

Statute of amortiſing lands.

Statute *de Tallagio non concedendo* †, containing ſix chapters.

Ordinatio Foreſtæ, containing ſix chapters.

Oath of the ſheriff.

Statutum de Aſportatis Religioſorum, containing four chapters.

Statutum ne Rector proſternat arbores in cœmeterio.

Some remains of judicial annals of this reign are to be found in ſeveral public libraries ‡. Beſides which there are extant certain records of proceedings in the Exchequer, chiefly in matters relative to the revenue of the crown, entitled "Memoranda in Scaccarium," printed with the annals of the next reign, under the direction of Serjeant Maynard.

* Printed in Ryley's Plac. Parl. Append.

† This ſtatute was the ſubject of much diſpute in the celebrated caſe of Mr. Hampden. (1 State Trials, 510, 536, 551,) when it was doubted whether it was a ſeparate act from the *Confirmatio Cartarum*, granted 25 Edw. I. on which occaſion it was recogniſed as a ſeparate act of parliament, principally becauſe it was recited as ſuch about nine years before in the preamble to the petition of right. *Blackſtone's Introd. to Magna Carta*, c.

‡ Harl. MS. n. 4286, 7163. Catal. MSS. Ang. vol. II. n. 1928. Hale MSS. n. 25, 26, 137.

Edw. I. Liber Cotidianus Contrarotulatoris de recepta et Expenſis Garderobæ. De Anno Regni Edw. I. 28.

This curious account of the royal revenue and expenditure is lately publiſhed * from the original record in the library of the Society of Antiquaries †; and though not ſtrictly a legal record, contains a variety of particulars and curious information relating to matters within the department of the receipt of the Exchequer, and other branches of the revenue; comprehending alſo the expences of the civil, military, and naval eſtabliſhments, and of courſe includes a variety of objects connected with the internal adminiſtration of the kingdom; the buſineſs of this department being at this time of much greater extent than ſince the eſtabliſhment of ſo many other offices for the execution of a part of its duty. An account of the office of the treaſurer of the king's wardrobe is given by Fleta, which is extracted by Mr. Topham in the curious obſervations prefixed to this publication, which alſo contain an abſtract and hiſtorical account of its contents, illuſtrated with explanatory notes upon the ſeveral ſubjects therein mentioned. To this work is alſo added, a Gloſſary explaining the obſolete terms and language. It is obſerved, that ſimilar accounts of a later date are alſo extant in MS. but that none prior are known to be remaining.

* 4to. 1787.

† Preſented from Sir Aſhton Lever, F. R. S. and S. S. A. by the Hon. Daines Barrington.

The

Edw. I. The law collections and writers of this reign are as follow:

Placita Parliamentaria, containing petitions, pleadings, proceedings and judgements in parliament, in an. 18, 19, 20, 21, 22, 23, 26, 28, 30, 33, 35, Edw. I. in many important caſes brought before the parliament in pleas of the crown, and other matters formerly incident to that juriſdiction, as alſo relating to the laws enacted during that period.

Theſe are publiſhed by Ryley from a MS. in the Tower, written above four hundred years ſince, having been quoted in a record of 6 Ric. II. and were made public on the recommendation of Sir Heneage Finch, as of excellent uſe to the profeſſors of the common law. The appendix contains ſeveral important records of this and the ſubſequent reigns. The parliamentary matter has been extracted from this work into the Collection of the Rolls of Parliament lately made public under the direction of the Houſe of Lords.

BRITTON, being a conciſe abridgment of the law, is conſidered as a compendium of Bracton's treatiſe, with the neceſſary additions, but written in French, the former being in Latin.

There is much controverſy among the learned as to the identity of the author of this excellent treatiſe; ſome contending him to be John Le Breton, biſhop of Hereford, who died in the third year of this king's reign;

Edw. I. reign; but, as notice is taken in this book of ſeveral ſtatutes ſubſequent to that time, Bp. Nicolſon ſeems of opinion, that it was compiled by John Breton, one of the judges 1 Edw. II. Mr. Selden, however, ſeems to think the name is only another appellation of Bracton. See *Selden's Diſſert. to Fleta*, C. 1, 2. There is an antient MS. of Britton, in the Harleian Coll. n. 3644, and another n. 3937.

FLETA, *ſeu Commentarius Juris Anglicani.* It is a general treatiſe of the law, in the method of Bracton; but it appears to have been the author's deſign to give a more conciſe account of the law, with the alterations that had taken place, down to his own time, which ſeems to be not much later than the 13th of this king *. The title, as the author informs his reader, was adopted from the circumſtance of the book having been compoſed while he was a priſoner in the Fleet. A further account of the work may be ſeen in Nicolſon's Eng. Hiſt. Lib. 225, edit. 1714 and Reeves's Hiſt. Eng. Law, vol. I. 279.

The book was originally publiſhed from a very antient MS. diſcovered by Mr. Selden in the Cotton Library, being the only one then known to be extant, and having been copied by an unſkilful amanuenſis, was, after being compared with the MS. which enabled him to point out ſeveral hundred

* As appears to be well eſtabliſhed by Selden in his learned Diſſertation (c. 10. ſ. 2) prefixed to the printed copies of it, though it has been held of ſomewhat later date by lord Coke, and others.

neceſſary

Edw. I. neceſſary corrections, which were accordingly made in the ſubſequent edition in 1685, but which is ſtill conſidered as very incorrect; to each edition is added a learned diſſertation of that great man upon this work, which incidentally treats of all the antient authors of our law.

Sir Ralph de HENGHAM, Ch. Juſt. K. B. 6 Edw. I. is the reputed author of

Summa Magna & Parva, treating of the antient forms of pleadings in eſſoins and defaults; in which, it is ſaid, there are many remarkable forms and rules which are omitted by Bracton; and yet it is thought we want a conſiderable ſhare of the author's whole work, none of the MS. copies that were to be found being perfect.

It is alſo ſaid to have been tranſlated into Engliſh in the time of Edw. II. or III. but was publiſhed by Mr. Selden in the original Latin, with ſome few notes of his own in Engliſh. Nicolſon's Eng. Hiſt. Lib. 228. edit. 1714.

This eminent judge is alſo reputed to have written two other tracts, entitled *Summa judicandi Eſſonia*, and *Summa quæ dicitur, Quid ſit neceſſarium*; deſcribed by biſhop Tanner in MS. Norwic. More, 287 It is further ſaid, that he compoſed a regiſter of writs (V. Dugd. Orig. 56); which makes it probable he might collect the original writs that had been long in uſe, which it is ſuppoſed are thoſe now extant in the collection entitled "Regiſtrum Brevium," or "Regiſtrum Can-

Edw. 1. Cancellariæ," which is ſaid, by lord Coke, to be the moſt antient book of the law. *Pref. to* 10 *Rep.* 4th Inſt. 140.

John de METINGHAM, C. J. C. B. 18 Edw. I. is alſo recorded as author of a treatiſe entitled *Judicium Eſſoinorum*,

Gilbert de THORNTON, Chief Juſtice, K. B. 18 Edw. I. compoſed an abridgment of *Bracton*, of which Mr. Selden met with a MS. in lord Burleigh's library, being the only copy he could ever hear of, and is not in print. It began with this deſcription; *Incipit Summa de legibus et conſuetudinibus Angliæ a Magiſtro Henrico de Bryctona compoſita tempore Henrici fil. Reg. Joan. quam quidem Summam Dominus Gilbertus de Thornton, tunc Capitalis Juſtic. Domini Regis in Angl. ſecundum ſtatuta et leges tunc uſitatas, ad utilitatem poſtremorum diligenti ſtudio poſtmodum abbreviavit ſub compendio An. Reg. Edw. fil. Reg. Henr. viceſſimo. Et ipſe idem Dom. Gilbertus tempore illo ſcientia, bonitate et manſuetudine, floriat eleganter.*

It differs in ſome reſpect from Bracton's method; but ſeveral of the chapters of which it conſiſted are wanting in the MS. abovementioned, nor does it appear that any other copy has yet been diſcovered. A further account of this work may be ſeen in *Selden's Diſſert. to Fleta*; and *Nicholſon's Eng. Hiſt. Lib.* 227. edit. 1714.

Fet Aſſavoir. A ſmall tract commencing with theſe words, is a collection of notes relating to proceedings in actions.

Edw. I. It is ſuppoſed to have been compoſed about the ſame time with Fleta, at the end of which the only copies there are of it, are very judiciouſly printed without any mark of diſtinction; it is, notwithſtanding, diſtinguiſhable by being written in old French, *Fleta* being in Latin.

Tractatus de Moneta Angliæ, fait en temps Edw. I. que jeo trove en le librarie de Sir R Cotton, que fuit le livre de Snr. Burleigh jadis Grand Treſorier D'Angleterre. Thus quoted and deſcribed by Sir J. Davis in Caſe de Mixt Moneys, 26.

Coutumes de Beauvoiſis.

The laws and uſages of this part of France, and of our country, being at this period very ſimilar, and probably reciprocally derived from each other, this collection may properly form a part of the Engliſh lawyer's library; it was firſt publiſhed by Beaumanoir in 1690. Mr. Barrington in obſ. on 27 Hen. VIII. ſays, "This treatiſe of Beaumanoir is ſo ſyſtematical and complete, and throws ſo much light upon our ancient common law, that it cannot be too much recommended to the peruſal of the Engliſh antiquary, hiſtorian, or lawyer. He kept the courts of the Count de Clermont, and gives an account of the cuſtomary laws of Beauvoiſis (as they prevailed in the year 1283). He is conſequently a more antient writer than our Littleton, and, to ſpeak with all due reverence to this father of the law, perhaps a better writer. It was firſt publiſhed in Bourges in 1690,

Edw. I. 1690, with a ſhort commentary by Gaſpard Thaumas de la Thaumaſſiere, who at the ſame time publiſhed 'Les Aſſiſes de Jeruſalem,' which contains a moſt complete code of regulations for the government of Chriſtians whilſt in poſſeſſion of that part of Aſia, and may therefore be ſuppoſed to participate of the laws of moſt parts of Europe." The whole title runs thus: "Coutumes de Beauvoiſis, par Philippe de Beaumanoir. Aſſiſes & bons uſages de Jeruſalem (tirées d'un manuſcrit du Vatican, par Jean d'Ibelin, comte de Japhe & d'Aſcalon, &c. et autres anciennes coutumes (de Riom & d'Orleans), avec des notes & un gloſſaire par Gaſpard Thaumas de la Thaumaſſiere. V. Bib. Leg. Ang. p. I. tit. CUSTOMS, &c. I.

EDWARD II.

A. D.
1307.

A. R. STATUTE of knights *.

1 Statute of breakers of priſons.

3 Statute made at Staundford, being a confirmation of 28 Edw. I.

De Statuto pro Clero inviolabiliter obſervando.

5 *Ordinances faites a Londres* [An. 5 R. Edw. II.] *touchant eſtat de ſeon houſtel de ſon reaulme, cum ordinationibus factis virtute ejuſdem* commiſſionis †.

7 Statute that none ſhall be impeached for the return of Peter de Gaveſton.

Statute that none ſhall be impeached for the taking and death of Peter de Gaveſton.

9 Articles of the clergy, containing ſixteen chapters.

Statute for ſheriffs made at Lincoln.

10 Statute of Gavelet in London.

12 Statute of York, containing ſix chapters.

Statute of Eſſoins ‡.

14 Statute of Sheriffs and the Green Wax.

* This is no ſtatute, but the king's writ to the ſheriff only. 2 Inſt. 593. Reeves's Hiſt. Eng. Law, II. 288.

† *Quæ ordinationes publicatæ erant in Cœmeterio S. Pauli, London, per Dominum Simonem Epiſcopum Sarieſberienſam, anno* 1311. *Cotton MSS. Cleop. C. 2. V. Præf. Stat. an. reg.* 16.

‡ Reeves's Hiſt. Eng. Law, II. 303.

Statute

Edw. II. Statute of Carliſle, concerning fines levied *.

A. R. 15 Statute revoking the pardon granted to the Deſpenſers.

Statute that none ſhall be impeached for felonies or treſpaſſes in the proſecution of *Hugh le Deſpenſer*. &c.

Form of the charters thereon.

Statute revoking the pardon granted to the proſecutors of *Hugh le Deſpenſer*, &c.

16 Statute revoking an eſtabliſhment of the houſehold.

Statute of eſtreats.

17 *Prerogativa Regis*, containing ſixteen chapters.

Manner of doing homage and fealty †.

Statutum de Terris Templariorum.

18. Statute for view of frankpledge, &c.

Other ſtatutes, ordinances, &c. are extant, made during the reigns of Hen. III. Edw. I. or Edw. II. but uncertain when or in which of their times. V. *Reeves's Hiſt. Eng. Law.* vol. II. 312, 355.

1 Articles againſt the king's prohibitions ‡.

2 Ordinance for bakers, brewers, and for other victuallers; and for ells, buſhels, and foreſtallers.

* This is ſaid to be no ſtatute, but more like a rule of court. *Nicolſon's Hiſt. Lib.* 189, *edit. fol.* 1714.

† This is no ſtatute, but only a precedent or form obſerved on ſuch occaſions. *Hargr. Co. Lit.* 67. a.

‡ This is a tranſlation of the latter part of the Statute, Circumſpectè agatis, 13 Edw. I.

Cuſtoms

Edw. II. 3 Cuſtoms and aſſize of the foreſt, or the articles of attachments of the foreſt.

4 Statute of arms at tournaments.

5 Statute of view of land and eſſoin of the king's ſervice.

6 Statute of juſtices aſſigned.

7 Compoſition of ells and perches.

8 Statute of the writ of enquiry to be granted of lands to be put in mortmain.

9 Statute of jewry.

10 Statute of the chattels of felons.

11 Statute for tenants by the curteſy of England.

12 Prohibition on the *Articuli Cleri*.

13 Articles and oaths of the king's miniſters in Eyre.

14 Of the great aſſize and battle.

15 Of the diviſion of pence.

16 An ordinance for meaſures.

Beſides the before-mentioned, there are other remains of old laws, which have been inſerted in ſome collections of our antient ſtatute law *, but which are conſidered as of no other authority than as they contain evidences of the ſtate of the common law in theſe ages, and are probably, like ſome of the foregoing, notes only of ſome lawyer of thoſe times. They are as follow: *Capitula Itineris.—De Homagio capiendo.—Contra Vicecomites et Clericos.—Capitula Æſchætriæ.—Ju-*

* They are extant in Tottel's Magna Carta, &c.. 1556.

Edw. II. *ramentum Regis.—Juramentum Epiſcoporum.—Juramentum Conciliariorum Regis.—Juramentum Æſchætorum.—Juramentum Majorum et Ballivorum.—De Venditione Farinæ.—Abjuratio et Juramentum Latronum.*

Several Collections of *Annales Juridici* of this reign are extant in ſome of the public libraries *.

Richard de Winchedon is alſo mentioned as living at this time, and as a compiler of the law annals, or collection of adjudged caſes of this reign, by Selden (*in Diſſert. ad Flet.* c. 8. ſ. 3.), of which he quotes ſeveral caſes from an antient MS. in the library of the Inner Temple, preſented to that ſociety by Sir Robert Barker, knt. chancellor of the Exchequer, temp. Philip and Mary. It is alſo obſervable, that the MS. above quoted by Selden ſeems to be a different collection of the caſes of this reign from that afterwards publiſhed by Mr. Serjeant Maynard, on the recommendation, as it is ſaid, of lord chief juſtice Hale; ſeveral of the caſes there mentioned by Mr. Selden, not appearing to be extant in the collection of Maynard, and others, though nearly in the ſame words, yet not ſo fully reported as in the firſt-mentioned collection. It is further remarkable, that in 33 Eliz. (Cro. Eliz. 218) a caſe was determined on the authority of a book caſe 12 Edw. II. which was admitted by the court, from a written book, as it is ſaid by the

* Harl. MS. n. 571, 572, 739, &c. 835, 1062, 3639, 7163 Cat. MSS. Ang. vol. II. n. 1928.

reporter,

Edw. II. reporter, and on occaſion of that determination being quoted as authority in the caſe of Sacheverel and Frogate (1 Vent. 162), lord Hale directed ſearch to be made in the MS. annals of this reign, in Lincoln's Inn library (from whence Maynard's collection was printed); but the caſe not being therein to be found, the court ſeemed inclined to think the reference was erroneous in point of time, and that the caſe meant to be relied on was one of 12 Edw. III. which, however, was in a principal point very different; and it further appears, that the ſame reference occurs in the report of the ſame caſe, 33 Eliz. in *Owen* 9. (V. Nelſon's Lutwych, 448). From the circumſtances abovementioned it ſeems probable, that the book produced in that caſe was a more compleat collection of the annals of this reign, than that which we have in print. It is further obſervable, that the collection of Richard de Winchedon does not appear to have been ſearched in the caſe of Sacheverell and Frogate; whence it ſeems probable, that the written book produced in 33 Eliz. was that of Richard de Winchedon, and it is much to be lamented, that this antient collection is not now to be found in the library in which it was extant in Mr. Selden's time, nor is it known what is become of it. V. *Ames* I. 302.

MIRROR OF JUSTICES.

This work has alſo been the ſubject of much contrariety of opinion among the learned; in particular, lord Coke relies very much upon the

Edw. II. the antiquity of this treatiſe, as being of a date prior to the Conqueſt; many things having been added thereunto by Horne, a learned and diſcreet man, as his lordſhip obſerves, of the reign of Edward I. On the other hand, Horne is reputed to be little better than an impoſtor, by the learned Dr. Hickes, in his *Diſſert. Epiſt. ad Theſaur. vet. Ling. Septen.* p. 42, &c. A modern writer ſuggeſts a ſolution which ſeems to reconcile the apparent inconſiſtencies of theſe opinions, from the probability of the exiſtence of a work of this title, as antient as the date ſuppoſed by lord Coke, which Horne might incorporate and model into the work now in our hands, with ſuch additions as he thought proper to make thereto. It is obſerved, that, whatever claim to antiquity it may poſſeſs, a great part of it is certainly written after Fleta and Britton, and it is accordingly generally aſcribed to the reign of Edward II. V. *Reeves's Hiſt. Eng. Law*, II. 358.

It treats generally of all branches of the law of that time, civil and criminal, and is, notwithſtanding the above objections, a curious, intereſting, and in a certain degree an authentic tract upon our old law *. See lord Coke, pref. to 9 and 10 Rep. Reeves's Hiſt. vol. II. 358, and Barrington's Obſ. 1. 4th edit. where a curious account is given of the remarkable coincidence of ſeveral nations in Europe, in adopting this title in their early law books. *Andrew Horne* appears to have been

* A MS. copy of Horne's Mirror is in Harl. MS. n. 4563. Another, Hale MS. n. 127.

Edw. II. a native of Glouceſter, and is ſaid to have compiled *Chronicon Gloceſtriæ*, which is long ſince loſt. He was alſo chamberlain of the city of London in this reign, and compiled a book in the town-clerk's office, entitled *Liber Horne*; which ſee an account of *tit.* London, in Bib. Leg. Ang. P. I. See alſo Gough's Brit. Top. V. I. 576.

NOMINA VILLARUM, a book ſo called, containing the ſheriff's returns, in conſequence of the king's writ to that purpoſe, of the names of all the villages, and the poſſeſſors thereof, in every county, compiled in the ninth year of this reign; it is extant at the *Treaſurer's Remembrancer's office**.

* V. Nicolſon's Hiſt. Lib. fol. 214. edit. 1714.

EDWARD

EDWARD III.

A.D. 1326. IN this reign the parliament is ſuppoſed to have taken its preſent form by the ſeparation of the Commons from the Lords *; and of the many important acts of the legiſlature of this reign, it is obſervable, that they ſeem to have been preſerved with more care than in the former reigns; the antient collections of the ſtatutes from this period being generally entitled *Nova Statuta*, probably from the circumſtance of ſome new arrangement adopted in the collecting of them. The compilation of the ſtatute-book having alſo, from the æra of the commencement of this reign, taken a more correct and regular form (notwithſtanding ſome omiſſions, and ſeveral inſertions of ſtatutes of imperfect and objectionable authority, which it is intended to notice in a future ſection), and being extant, with few variations, in all the general collections and editions of it, a further recapitulation of the ſeveral ſtatutes is in this place thought unneceſſary. It is now propoſed to notice the ſeveral legal records, writers of law, and treatiſes on law ſubjects, which are generally aſſigned to this reign.

It is obſerved, that the rolls of parliament, during this reign, begin to be very complete, and form a very valuable acceſſion to the documents of legal information. They give

* Blackſt. Comm. vol. IV. c. 33.

Edw III. us an account of proceedings, whether judicial or legiſlative; and in the former are more particularly full and ſatisfactory. *Reeves's Hiſt. Eng. Law*, III. 147.

Annales Juridici MS. are extant of this reign in ſeveral public libraries, and a collection of them in nearly a complete ſeries throughout this reign is printed and generally known by the title of the "Year Books," which it is propoſed to mention more particularly in a ſubſequent ſection, under the title of "Reports."

There are beſides remaining in MS.*

Placita in Itinere, being the determinations of the judges in cauſes brought before them in their Iters or Circuits throughout the kingdom; many of them are abridged by Statham, Fitzherbert, and the more antient writers of our law, by whom they are conſidered as of equal authority with the judicial annals of the courts at Weſtminſter.

Old Tenures, ſo called to diſtinguiſh it from Littleton's book afterwards (temp. Edw. IV.) written on the ſame ſubject. It gives an account of the various tenures by which land was holden, the nature of eſtates, and ſome other incidents relating to landed property. It is a very ſcanty tract, but has the merit of having led the way to Littleton's famous work. Reeves's Hiſt. Eng. Law, vol. III. 151.

* Among Sir M. Hale's MSS. in Lincoln's Inn library, and in the poſſeſſion of John Topham, Eſq. of Lincoln's Inn.

Natura

Edw. III. *Natura Brevium*, alſo entitled, "Old Natura Brevium," to diſtinguiſh it from Fitzherbert's treatiſe, written temp. Hen. VIII. It contains thoſe writs that were then moſt in uſe, annexing to each a ſhort comment concerning their nature, and the application of them, with their various properties, effects, and conſequences. This work became a model to Fitzherbert, in writing his valuable treatiſe on the ſame ſubject. Reeves's Hiſt. Eng. Law, vol. III. 152.

Novæ Narrationes, contains pleadings in the actions then in practice: it conſiſts principally of declarations, as the title imports; but there are ſometimes pleas and the ſubſequent proceedings. The "Articuli ad novas Narrationes" is uſually ſubjoined to this little book, and is a ſmall treatiſe on the ſubject of pleading. It firſt treats of actions and courts, then goes through each particular writ, and the declaration upon it, accompanied with directions, and illuſtrated with precedents. Reeves's Hiſt. Eng. Law, vol. III. 152.

Diverſity of Courts, and their Juriſdictions. This treatiſe is ſaid by lord Coke to have been written in this reign, 2 Inſt. 552; it is, however, obſervable, that the ſame learned author, in another place, ſays it was compiled after 21 Hen. VIII. from the appearance of a ſtatute of that date, which is probably no more than an interpolation, the book having been actually printed more than once prior to that time, as appears, Bibl. Leg. Ang. P. I. *tit.* COURTS.

Simon

Edw. III. *Simon de Iſlip, Speculum Regis*, MS. written by the author, being archbiſhop of Canterbury in this king's reign, to repreſent to the king the abuſes of purveyors and purveyance in many particulars; in conſequence of which, it is ſaid, the king cauſed to be made many excellent laws againſt the oppreſſions, malice, and falſhood of purveyors. 2 Inſt. 545.*

Modus tenendi parliamentum in Anglia. MS. The work under this title, ſo frequently mentioned in our law books, and the ſubject of much controverſy, is not extant in print†; it is held of very great authority by lord Coke, who, in Pref. to 9 Rep. gives a more full deſcription of it; viz. "Modus tenendi parliamentum: hic deſcribitur modus quomodo parliamentum regis Angliæ Anglicorum ſuorum tenebatur tempore Edwardi filii regis Etheldredi; qui quidem modus fuit per diſcretiores regni, coram Willelmo duce Normandiæ & conqueſtore & rege Angliæ, ipſo conqueſtore hoc præcipiente, & per ipſum approbat. & ſuis temporibus uſitat." The authenticity of it is never doubted by lord Coke, who ſays, "Certain it is that this modus was rehearſed and declared before the Conqueror at the time of his Conqueſt, and

* This work is extant in Harl. MSS. 2399 and 6237, tranſcribed from Sir Edw. Coke's copy; and in ſeveral other public libraries, which ſee in Tanner, Bibl. Brit. 447.

† A MS. copy of the above is extant, Harl. MSS. n. 6810. Several other MSS. of this title occur in the public libraries. There is alſo a tranſcript of the old modus, which was ſent to Ireland, and is there printed by biſhop Dopping, with a preface in vindication of its authenticity. V. *Bib. Leg. Ang.* I. tit. *Parliament.*

Edw. III. by him approved for England," 4 Inſt. 12. the antiquity of it is, however, denied by Selden, in "Titles of Honour," p. 610, &c. as not older than the reign of Edw. III. and ſtill further by Prynne, who contends it is not prior to 31 Hen. VI. Animadv. on 4th Inſt. 6. 331. See alſo Nicolſon's Eng. Hiſt. Lib. 4to. 156, and Hargr. Coke Litt. 69, b.

Liber Niger Admiralitatis. MS.

This antient collection or regiſter of records relating to the Admiralty juriſdiction, is ſuppoſed to have been originally compiled in this reign, but appears to have received conſiderable additions during ſeveral ſubſequent reigns. It contains certain old ordinances or ſtatutes of the Admiralty of the reigns of king Richard, king John, Edward I. and which are no where elſe extant, but as extracted from hence. It contains alſo a great number of regulations concerning the office of the Lord High Admiral, and his duty in time of war, with his ſalary and ſhare of prizes taken from the enemy; and further, it comprehends many injunctions and ordinances reſpecting proceedings againſt delinquents in matters within the juriſdiction of the admiralty, and the articles conſtituted at the inquiſition at Queenborough, 49 Ed. III; for the accuſation and puniſhment of offenders, to be obſerved in future. To theſe antient laws, which are written in the old French language, are added the *Articuli*, as they are ſtyled, of M. *Rowghton*, who is ſuppoſed antiently to have held the office of Regiſter in the court of Admiralty; theſe

Edw. III. theſe laſt are written in Latin, and ſeem to be the ſubſtance of the before mentioned ſtatutes and ordinances, digeſted into a more compendious and methodical arangement. The age of this latter compilation is not aſcertained but it is held of the higheſt authority, as is alſo the original work, by all the writers who have treated on the ſubject of the laws of the Admiralty *.

Beſides the law treatiſes before-mentioned, the titles of ſeveral others are given by Dugdale in Orig. Jurid. c. 23. chiefly from an old parchment roll in the Cotton library; which, for the moſt part, are ſuppoſed to be of the reign of Edward I. and all of them probably within the period of the reign of Edward III. but it does not appear where they are now extant.

1 Speculum Juſticiariorum †.

2 Examen Cartarum.

3 Curia Baronis ‡.

4 Aſſiſa in London de Muris & Stillicidis.

5 De Narrando §.

* See Prynne on 4th Inſt. 106, 115, &c. Exton's Marit. Dicæol. c. xiii. Bibl. Leg. Ang. P. I. tit. Records.

† Probably the original work from which Horne is ſuppoſed to have compoſed his Mirroir de Juſtices.

‡ This and the ſubſequent articles, n. 14, 20, 21, are extant in an antient MS. Collection of Law Tracts in the poſſeſſion of Ralph Leeke, Eſq. of Middlewich.

§ This, and n. 25, are probably the *Novæ Narrationes*, &c. which we have in print, and are before mentioned, p. 85.

6 Caſus

Edw. III.

6 Caſus qui tenet locum ſecundum Leges Angliæ.

7 De Divortio.

8 Ordinale Compoti de Walveſcie ſecundum Oliverum.

9 Modus Chyrographandi in Curia Regis de omnibus Placitis.

10 De Brevibus ordinandis.

11 Breves Pledes.

12 De Veteribus Placitis Coronæ.

13 Nova Capitula Coronæ.

14 Dampna in Duplo.

15 Ordo Exceptionum *

16 Placita de Itinere Cornubiæ, 30 Edw. I. †

17 Cadit Caſa [*Aſſiſa*] ‡.

18 Natura Brevium §.

19 De Brevibus Caſſandis.

20 Exceptiones generales.

21 De Baſtardia.

22 Tractatus Coronæ.

23 Placita Coronæ.

24 Notabilia.

* The ſix articles above-mentioned were formerly in the poſſeſſion of Sir Orlando Bridgman.

† Formerly in Mr. Selden's library.

‡ This and the following articles were, in Dugdale's time, in the poſſeſſion of Gilbert Goddard, Eſq. of Lincoln's-Inn, and is with ſeveral others here mentioned extant in the king's library. V. *Coſley's Cat. MSS.* 9 A. VII. 10 A. V.

§ Probably the "Old Natura Brevium" before-mentioned.

Edw. III.
25 Articuli in Narrando.
26 Proprietas Narrationum.
27 Modus faciendi Duellum coram rege *.
28 Liber de Antiquis Legibus.
29 Liber Cuſtumarum et regum antiquorum, otherwiſe entitled, Capitula Laudum et Nobilitatum Inſulæ Britanniæ †.

The preceding deduction comprehends an account of the laws, law-writers, and other legal authorities, during the more obſcure period of our hiſtory: the greater part of theſe have been tranſmitted to us by the preſs; others (as has been noticed) remain in an unpubliſhed ſtate, and ſome of them are only known from the mention that has been made of them by the authors who have quoted them. In the ſucceeding reigns of Ric. II. Hen. IV. Hen. V. Hen. VI. and Edw. IV. which compriſe the term of a complete century; no mention occurs of any author who has profeſſedly written on the ſubject of the laws of England, except the chancellor Forteſcue's treatiſe, *De Laudibus Legum Angliæ*, and judge Littleton's *Treatiſe of Tenures*, which laſt appeared towards the latter end of

* An ancient MS. quoted by lord Coke in 4 Inſt. 124.

† The two articles above-mentioned, quoted by Blackſtone in Introd. to Magna Carta. liii. and lix. are in the Town-clerk's office, London; and, with ſeveral other antient books, more particularly relating to the city of London, are deſcribed, Bib. Leg. Ang. P. I. tit. CUSTOMS III. London.

that

that period, at which time the art of printing having obtained in England, the legiſlative and judicial records of the kingdom, and the works of ſubſequent law-writers, have been more immediately made public, and having conſequently become the ſubjects of more general notoriety, it is therefore preſumed have fallen within the acquaintance of every law ſtudent. It is intended to confine the object of the enſuing ſections to ſuch further general information of the actual ſtate of our written laws, and of the records relating to them, as ſeems neceſſary towards promoting the knowledge and uſe of the materials which compoſe the Engliſh Lawyer's library.

V. PUBLIC RECORDS, AND AUTHENTIC LAW MSS.

IT has from time to time been found neceſſary for the preſervation of the Public Records, as well as for more effectual future regulations concerning them, to iſſue occaſional warrants and commiſſions under the authority of the ſeveral branches of legiſlature. The latter inſtances of this kind are, an order of the Houſe of Lords, 9th December, 1718, on which a report was made 16th April, 1719, relating the ſteps taken, and the evidence produced in purſuance thereof *; with ſeveral ſubſequent directions by the ſame authority reſpecting the records depoſited at the Parliament Office, and King's Houſe adjoining, as alſo in the Chapter Houſe at Weſtminſter; and laſtly, an order of the Houſe of Commons on occaſion of the fire at Cotton Houſe in 1731; in conſequence of which a report was made, 9th May, 1732 †, containing a particular account of the damage ſuſtained among the MSS. in the Cotton library, and general accounts of the ſtate of the public records in the public offices and repoſitories, by the reſpective officers to whoſe cuſtody they were committed ‡. From theſe materials, but

* Printed 8vo. 1719.

† Printed fol. 1732, and in Rep. H. Com. vol. I. 509.

‡ A general account of the ſtate of the Public Records, from the Conqueſt to the preſent time, is printed in the Introduction to "Sir Joſeph Ayloffe's Calendar of Antient Charters," 4to. 1772.

principally

principally from the table of the records of the kingdom, digeſted under the general heads of Chancery, King's Bench, Common Pleas, and Exchequer, drawn up on the ſame occaſion by Mr. Lawton, keeper of the records at the Chapter Houſe; a methodical Index, in alphabetical order *, was compiled by Mr. Strachey, who, for more compleat information on the ſubject, conſulted the works of ſeveral authors eminently converſant in this branch of knowledge, and inſerted notice of ſome material papers extant in different private libraries, with the neceſſary intelligence of the ſeveral public offices in which the records are diſperſed and depoſited: from this laſt mentioned compilation, which has been acknowledged the beſt and moſt uſeful account of our records hitherto extant, the preſent ſection is principally extracted, with the additional inſertion of a conſiderable number of authentic law MSS, which are to be found in our public libraries, and to which proper references are reſpectively affixed. Theſe laſt, though they do not carry the authority of public records, undoubtedly contain a variety of learned and uſeful information on a great number of important ſubjects of a public nature, and of general concern.

* Printed 8vo. 1739.

ABBIES.

SURRENDERS (ſeveral) of abbies in the reign of Hen. VIII.—at the *Augmentation Office.*

SURVEYS of abbies and monaſteries, ſome—at the *Chapter Houſe*, ſome—at the *Receipt of the Exchequer*, and ſome—at the *Firſt Fruits Office.*

PARTICULARS of abby lands, previous to the grants thereof in the reigns of Hen. VIII. and Edw. VI.—at the *Augmentation Office.*

CHARTERS granted to abbies. See *Charters* and *Calendar.*

LEASES of abby lands. See *Leaſes.*

EVIDENCES of the lands of the abby of *Lewes* in *Suſſex*,—at the *Chapter Houſe.*

BOOKS concerning the abbies of *Ramſey*, *Middleton*, and *Langden*,—at the *King's Remembrancer's Office*, *Weſtminſter.*

REGISTERS of charters, &c. of different abbies. *Cotton Library.*

REGISTER, rentals, and treaſurer's accounts of the abby of St *Auguſtine*,—at *Canterbury Cathedral.*

REGISTER of the abby of *Fountains*,—in the earl of *Denbeigh's Library.*

FOUNDATIONS of abbies. See *Foundation.*

GRANTS. See *Grants.*

SURVEYS of abbacies. See *Surveys.*

VISITATIONS. See *Viſitations.*

ACCOUNTS of
LANDS called *Warwick* lands.
Earl and counteſs of *Devonſhire's* lands.
Edward duke of *Buckingham's* lands, and ſurvey of the ſaid duke's lands temp. Hen. VIII.
STAPLE at *Calais*,
CHIEF BUTLERS,
JEWEL accounts,—tempore *H.* VIII. and before that time at the *Chapter Houſe*.
SURVEYORS of the works accounts,
Windſor, *Berkhamſted*, and *Hampton-Court* accounts,
Weſton juxta *Baldock* accounts,—temp. *H.* VIII. and before that time at the *Chapter Houſe*.
ANCIENT REVENUES of the crown in ſeveral counties, before 27 *H.* VIII.—at the *Augmentation Office*.
RECEIVERS GENERAL,—at the *Augmentation Office*.
GREAT OFFICERS,
RECEIVERS of land-tax,
RECEIVERS of duties on houſes,—at the *King's Remembrancer's Office*. See *Pipe Rolls*.
KING's houſhold expences, at the *Green Cloth*.
COFFERER of the houſhold,
TREASURER of the chamber,
TREASURER of the navy,
VICTUALLER of the navy,
MASTER of the great wardrobe,

Ac-

ACCOUNTS of
MASTER of the robes,
WARDENS of the mint,
PAYMASTER of the works,
CLERK of the faculties.
CLERK of the hanapier,
RECEIVER of the firſt fruits,
CHIEF BUTLER of *England*,
MASTER of the ordnance,
POSTMASTERS,
FARMERS and collectors of cuſtoms, &c.—Theſe accounts are taken yearly by the *Auditors of the Impreſt*, and engroſſed by them: One copy is kept by the perſon accompting, another by the auditors, and another delivered to remain on record—in the *Pipe Office*.

ADMIRALTY.
JOURNALS of the proceedings of the court of Admiralty from 1589 to 1664, and other matters relating to that court. *Harl. MSS. n.* 5089.
BLACK-BOOK of the Admiralty. V. *ante ſub. reg.* Edw. 3.
REGISTRUM de Rebus Admiralitat. in Comit. Norf. & Suffolk, fol.—*Hale MSS. n.* 99.

AIDS.
See *Foreign Accounts*,
BOOK of aids, 20 *Edw.* III.
BOOK of fifteenths and tenths,—at the *King's Remembrancer's Office* at *Weſtminſter*.

Book of the aid of the prince,—at the *Treaſurer's Remembrancer's Office.*

ALIENATION.

LICENCES, and pardons of alienation.—See *Patent Rolls.*

AMBASSADORS.

CREDENTIALS—at the *Paper Office.*

See *Miniſters* and *Letters.*

INSTRUCTIONS to ambaſſadors and miniſters in foreign courts, from *H.* VIII. and queen *Eliz.*—in the biſhop of *Ely's Library.*

APPEARANCE-BOOKS,

In the court of Exchequer. See *Pleas.*

ARCHBISHOPRICKS.

SURVEYS of. See *Surveys.*

ARCHDEACONRIES.

SURVEYS of. See *Surveys.*

ARRAGON.

TREATIES and tranſactions with *Arragon*, from 18 *Edw.* I. *An.* 1289, to 7 *H.* VIII. *An.* 1515, —at the *Chapter Houſe.*

ARTICLES of

The PEACE. See *King's-Bench.*

ASSISE ROLLS.

From 6 *R.* I. *An.* 1194, to the end of the reign of *H.* VI. *An.* 1460; and ſome few in the reign of *Edw.* IV.—at the *Chapter Houſe.* Except ſome rolls in the reigns of *H.* III. *Ed.* I. and *Ed.* II. which are in the *Tower.*

ASSOCIATIONS of

The HOUSE of Commons, and of all the counties, &c. to king *William* on the Aſſaſſination plot,—at the *Tower.*

ATTAINDERS.

The BAGA de Secretis, containing records of attainders, is in the *King's-Bench Treaſury.*

COLLECTION out of all the parliament rolls of attainders, reſtitutions, and reſumptions, from 29 *H.* III. *An.* 1244, to the end of the reign of *Ed.* IV. *An.* 1483,—at the *Tower.*

ATTORNEYS.

BILLS againſt attorneys. See *Common Pleas.*

AUDITORS.

ACCOUNTS de Terris perquiſitis, temp. *H.* VII. and *H.* VIII.—at the *Chapter Houſe.*

AUGMENTATIONS.

The COURT of Augmentations was erected in the 27th of *H.* VIII. *An.* 1535 for determining ſuits relating to the ſuppreſſion of monaſteries, &c. and to prevent the king being defrauded of the profits of ſuch religious houſes. The court was diſſolved in the firſt year of queen *Mary's* reign; but the office ſtill remains, and contains many curious and valuable records.

BILLS, anſwers, depoſitions, decrees, and other proceedings in this court in the reigns of *H.* VIII. and *Ed.* VI.—at the *Augmentation Office.*

Some few proceedings,—at the *Chapter Houſe.*

FIFTEEN books of the decrees of this court, from 28 *H.* VIII. *An.* 1536, to the end of the reign of *Ed.* VI. *An.* 1553, are in a cheſt—at the *King's Remembrancer's Office* at *Weſtminſter.*

BAGA de Secretis. See *Attainders.*

BAG ROLLS. See *King's Bench.*

BAILI-

BAILIWICKS.

A BOOK of all the bailiwicks in *England*, 26 *H.* II. *An.* 1180,—at the *King's Remembrancer's Office.*

BARONIA.

TENANTS per Baroniam. See *Red Book.*

BENEFICES ECCLESIASTICAL.

SURVEYS of them in the reign of *H.* VIII.—at the *First Fruits Office.*

DISCHARGED from *First Fruits.* Certificates of them,—at the *First Fruits Office.*

PLEAS and proceedings in the court of Exchequer, relating to eccleſiaſtical perſons and benefices, &c. from 1 Q. *Mary*, *An.* 1553, to 3 *Geo.* I. *An.* 1717.—in the *First Fruits Office.*

BISHOPRICKS.

VALUATION of biſhopricks,—at the *First Fruits Office.*

SURVEYS of biſhopricks, temp. *H.* VIII.—at the *First Fruits Office.*

BISHOPS CERTIFICATES.

See *Certificates.*

BLACK BOOK of

The Admiralty. V. *ante ſub reg. Edw.* III.

The EXCHEQUER. V. *ante ſub reg.* Hen. II.—at the *King's Remembrancer's Office.*

A BOOK called the Black Book,—at the *Receipt of Exchequer.*

BONDS for

MONEY borrowed of merchants and others, by the Crown, beginning 26 *Ed.* I. *An.* 1298, —at the *Tower.*

Due EXECUTION of ſeveral offices under the king.

Port BONDS forfeited, for carrying goods coaſtways,—at the *King's Remembrancer's Office*, at the *Temple*.

BOOKS of

The ORDERS of St. *George* and St. *Michael*,

The ENORMITIES of Cardinal *Wolſey*,—at the *Chapter Houſe*

Concerning the chapel of *Hen.* VII. at *Weſtminſter*. See *Weſtminſter*.

The HOUSHOLD and Civil Liſt—in lord *Oxford's* library.

BRETAGNE.

TREATIES and tranſactions with *Bretagne*, from 15 king *John*, *An.* 1213, to 7 *Hen.* VII. *An.* 1491—at the *Chapter Houſe*.

BREVIA REGIA.

From 9 *Ch.* I.—at the *Petty Bag Office*. See *Writs*.

BULLS

Are public writings diſpatched from the *Roman chancery*, commonly ſealed with lead, and are the ſame with edicts, letters patent, and proviſions of ſecular princes. If they are letters of grace and favour, the lead is hung on *ſilk thread*; if they be of juſtice and executory, the lead is hung by a *hempen cord*. They were declared to be void in *England* by an act 28 *Hen.* VIII.

A great many in the *Chapter Houſe*, particularly one of Pope *Clement* VII. *An.* 1524, with the

the ſeal of ſolid gold, confirming the title of *Fidei Defenſor* to *Hen.* VIII.

SOME in the *Tower.*

BURGUNDY.

TREATIES and tranſactions with *Burgundy*, from 8 *Hen.* V. *An.* 1419, to 1 *Rich.* III. *An.* 1484—at the *Chapter Houſe.*

BUTLER.

CHIEF Butler's accounts.—Some at the *Chapter Houſe.*

See *Pipe Rolls.*

CALENDAR of

ESCHEATORS bundles. See *Eſcheators.*

Called the *Book of Namos*; ſhewing, in alphabetical order, the names of perſons whoſe offices or inquiſitions after their deaths are there to be found; in which you may ſee what lands they died ſeiſed of, and the tenure of the ſame; and the laſt wills of many are recited,—at the *Tower.*

LANDS and manors found in offices or inquiſitions in *Eſſex* (not perfect), *Lincoln*, *Bedford*, *Berks*, *Buckingham*, and a great book for the counties of *Somerſet*, *Dorſet*, *Devon*, and *Cornwall*,—at the *Tower.*

CALENDAR and collection out of the old rolls, called *Charta Antiqua* (without date)—at the *Tower.*

The ROLLS of king *John*, and from 1 to 11 of *Hen.* III.—at the *Tower.*

All GRANTS of inheritance granted by any of our kings, from 1 *Ed.* I. to the end of the reign of *Edw.* IV.—at the *Tower.*

ROLLS of *Ed.* I.—at the *Tower.*

Free

Free WARRENS, markets, fairs, leets, and other liberties, gathered out of the charter rolls of *Ed.* I.—at the *Tower*.

CHARTERS of corporations, and other liberties of cities, boroughs, abbies, colleges, and cathedral churches in the reign of *Ed.* I.—at the *Tower*.

Or COLLECTION out of all the parliament rolls of attainders, reſtitutions, and reſumptions, from 29 *Hen.* III. to the end of his reign—at the *Tower*.

Several RECORDS belonging to the court of *Common Pleas*, in the *Prothonotary's Office*.

The MEMORANDA in the court of Exchequer, called *Books de Agendis*,—at the *King's Remembrancer's Office*.

See *Wards* and *Liveries*.

CAPIAS. See *King's Bench*.

CASTILE.

TREATIES and tranſactions with *Caſtile*, from 38 *Hen.* III. *An.* 1254, to 21 *Ed.* IV. *An.* 1481, at the *Chapter Houſe*.

CATHEDRALS. See *Collegiate Churches*.

CHARTULARIES and leidger books of cathedrals,—at the *Cotton Library*.

STATUTES of cathedral churches. See *Statutes*.

CERTIFICATES of

QUALIFICATIONS of members of parliament, in the reigns of queen *Anne*, *Geo.* I, II.—at the *Petty Bag Office*, and *Crown Office*.

INSTI-

INSTITUTIONS and patronages, from 37 queen *Eliz. An.* 1594, to the preſent time,—at the *Firſt Fruits Office*, and *Court of Exchequer*.

ECCLESIASTICAL Benefices. See *Benefices*.

POPISH convicts and perſons concealed,—in the *Petty Bag Office* and *Crown Office*.

COLLEGES, chantries, &c. in the reign of *Ed.* VI.—at the *Augmentation Office*.

MASTERS in chancery. See *Chancery*.

FEODARIES. See *Wards*.

CHANCERY.

DECREE rolls in chancery, from 26 *Hen.* VIII. *An.* 1534, to the preſent time,—at the *Rolls*.

BILLS, anſwers, depoſitions, &c. in the reigns of *Hen.* VI. and *Ed.* IV.—at the *Tower*.

In the reigns of queen *Eliz. James* I. and *Ch. I.* are moſt of them at the *Tower*; but ſome in theſe reigns, and ſome from thence to the Reſtoration, are—at the *Rolls*.

From 1649 to the preſent time,—at the *Six Clerks Office*.

RECOGNIZANCES, deeds, &c. inrolled in chancery. See *Inrolment Office*.

CERTIFICATES, or reports of maſters in chancery, are filed—in the *Regiſter's Office*.

JUDGMENTS on declarations, for and againſt officers of the court of chancery, a few in the reigns of queen *Eliz.* and *Ja.* I. and from 1 *Charles* I. *An.* 1625, to the preſent time,—at the *Petty Bag Office*.

CHAN-

CHANTRIES. See *Certificates.*
SURVEYS of Chantries. See *Surveys.*

CHAPEL. See *Weſtminſter*
SURVEYS of Free chapels. See *Surveys.*

CHARITABLE USES. See *Commiſſioners of.*

CHARTER ROLLS.
FROM 1 king *John*, *An.* 1199, to the end of the reign of Edw. IV. *An.* 1483,—at the *Tower.*

FROM 1483 to 12 *Ja.* I. *An.* 1614,—at the *Rolls.* There are none later than 12 *Jo.* I. becauſe ſince that time charters are promiſcuouſly inrolled with other patents on the *Patent Rolls.*

See *Calendar.*

CHARTERS of
SEVERAL antient charters to abbies, cities, and boroughs,—at the *Tower.*

Grants of charters and liberties. See *Patent Rolls.*

King EDGAR's charter of the dominion of the ſea, in *Harleian Collection.* V. *Ante. ſub reg.* Eadgar.

BOOK of antient charters and fees,—at the *King's Remembrancer's Office.*

SEVERAL original charters of religious houſes, nobility, and gentry,—in lord *Oxford's Library.*

A conſiderable number alſo in the *Cotton Library*, an alphabetical catalogue of which is printed at the end of Mr. Aſtle's catalogue of that library, from a MS. of the rev. Mr. Widmore.

CHAR-

CHARTERS granted by *Hen.* VIII. and queen *Eliz.* to the dean and chapter of *Weſtminſter*, —in biſhop of *Ely's Library.*

See *Magna Charta.*

See *Calendar.*

CHARTULARIES and leidger books of cathedrals and monaſteries,—at the *Cotton Library.*

SEVERAL—at the *Augmentation Office.*

SEVERAL—in lord *Oxford's Library.*

Of the monaſteries of St. *Alban's*, *Bromholm*, *Kington*, *Langley*, *Weſtminſter-Abbey*, &c.—in the biſhop of *Ely's Library.*

SULCARDUS's Chartulary of the abby of *Weſtminſter.* V. *ante ſub reg.* Will. I.

CHIVALRY.

RECORDS of the court of chivalry—at *Doctor's Commons.*

Proceſſus Curiæ Militaris. *Hale's MSS.* n. 8.

CHURCHES.

Taxation roll of the value of all the churches in the 20 *Edw.* I. *An.* 1291,—at the *Tower.*

STATUTES of the collegiate churches of *Hereford*, *Windſor*, *Canterbury*, *Durham*, *Wells*, *Cheſter*, *Exeter*, &c.—in lord *Oxford's Library.*

SEVERAL ſtatutes of collegiate churches,—at *Corpus Chriſti College* in *Cambridge.*

See *Calendar*—and *Cathedral.*

CINQUE PORTS.

CONSUETUDINES, libertates et ſtatuta de quinque Portubus. Partim Lat. partim Gall. *Cott. Lib. Jul.* B. 4.

LAWS and cuſtoms of Sandwich, *ib.* B. 5.

QUINQUE portus & eorum membra cum ſervitiis regi debitis de portubus predictis annuatim, cum neceſſe fuerit. *Ib.* Claud. c. 2.

DE libertatibus quinque portuum ex lib. Gul. Thorne *Ib.* Vitell. D. 7.

CHARTA libertatum quinque portuum per R. Ed.

CHARTA R. *Edw.* I. de cuſtodia orphanorum portus de Sandwich. *Ib.* Cleop. C. 7.

INDEX inſtrumentorum in veteri quodam libro contentorum de quinque portubus. *Ib.* Fauſt. C. 2.

CONSUETUDINES *et Uſus Sandwici*, written by Adam de Champneys, 29 *Ed.* I. MS. V. *Bibl. Leg. Ang.* P. I. *tit.* Cuſtoms.

CLAIMS.

IN SWAINIMOTE courts. See *Foreſt.*

OF SERVICES to be done at *Coronations.*—See *Coronation.*

CLOSE ROLLS, or Claus Rolls,

CONTAIN writs of various kinds, which iſſued under ſeals of wax incloſing them.

ON the back of theſe rolls are *Writs of Summons* to parliament, and for knights and burgeſſes wages, &c.

FROM 6 king *John*, *An.* 1204, to the end of the reign of *Ed.* IV. *An.* 1483,—at the *Tower.*

FROM 1483 to the end of the reign of *Ja.* II. *An.* 1688, at the *Rolls.*

FROM 1688 to the preſent time,—at the *Inrollment Office* in *Chancery.*

A ROLL containing extracts out of the cloſe rolls of matters relating to *Wales*, from 1 *H.* III.

III. *An.* 1216 to 27 *H.* III. *An.* 1252,—at the *Receipt of the Exchequer.*

CLOSE ROLLS.

COPIES and extracts of many of theſe are among *Hale's* MSS.

COFFERER of the houſhold, See *Accounts.*

COLLECTORS. See *Receivers.*

COLLEGES, CHANTRIES, &c. See *Certificates.*

ACCOUNT of revenues belonging to the colleges of the two univerſities. See *Revenues.*

SEVERAL books relating to the foundation of Cardinal *Wolſey's* colleges at *Oxford* and *Ipſwich*,—at the *Chapter Houſe.*

STATUTES of colleges. See *Statutes.*

See *Calendar.*

FOUNDATIONS of colleges. See *Foundations.*

SURVEYS of colleges. See *Surveys.*

COMMISSIONERS of charitable uſes.

THEIR decrees, inquiſitions, and inrollments of proceedings upon appeals from their decrees; from the commencement of the ſtatute 43 *Eliz. An.* 1600, to the preſent time—at the *Petty Bag Office.*

COMMISSIONERS

APPOINTED to ſurvey and value the ſmall monaſteries, 28 *H.* VIII. their certificates. See *Surveys.*

COMMISSIONS of

ENQUIRY. See *Memoranda.*

GAOL DELIVERY. See *Gaol Delivery.*

LUNACY and Idiocy. See *Lunacy.*

The PEACE. See *Patent Rolls.*

COMMON PLEAS.

As to the original of this court; ſee *King's Bench.*

The ROLLS of this court from 1 king *John*, *An.* 1199, to the end of the reign of *H.* VII. *An.* 1509,—are at the *Chapter Houſe.*

From 1509 to the preſent time—at the *Treaſury of the Court of Common Pleas.*

Common RECOVERIES—entries of the king's money upon fines—judgments and other proceedings—inrollment of deeds—recognizances, &c.—Filacers rolls, and exigenters rolls from 1 H. VIII. to the preſent time,—at the *Common Pleas Treaſury.*

DOCKETS of the recoveries and deeds inrolled are kept by the *Clerk of the Warrants.*

ALPHABETICAL liſt of judgments, kept by the *Clerk of the Eſſoins.*

CALENDARS of the other records above mentioned—in the *Prothonotary's Office.*

All original and ſpecial writs—proclamations—tranſcripts on writs of entry—exigents—poſtea's—writs of covenant—concords—feet of fines—writs of entry—ſummons—mittimus ſeiſins—venire's—and the like—inquiſitions upon outlawries—elegits—writs of enquiry—bills againſt attorneys, and privileged perſons—writs ad elegend' coronator', and other writs of the like nature, from the Revolution to the preſent time,—at the *Cuſtos Brevium Treaſury* in *Weſtminſter Hall.*

BEFORE

BEFORE the Revolution they are at the *Chapter Houſe*, and the *Pedes Finium* are there abbreviated in books.

COMMON RECOVERIES. See *Common Pleas.*

CONCORDANDI LICENTIA. See *Fine Rolls.*

CONCORDS. See *Common Pleas.*

CONFIRMATION ROLLS, containing

CONFIRMATIONS of charters and liberties of corporations, religious houſes and colleges, and licences to give in mortmain; from 1 *Ed.* I. *An* 1272, to the end of the reign of *Ed.* IV. *An.* 1483,—at the *Tower.*

From 1 R. III. *An.* 1483 to 12 *Ja.* I. *An.* 1613, —at the *Rolls.*

SINCE 12 *Ja.* I. they are promiſcuouſly inrolled, with others,—on the *Patent Rolls.*

CONTROLMENT Rolls. See *King's-Bench.*

CONVENTUAL Leaſes. See *Leaſes.*

CONVEYANCES. See *Memoranda.*

CORONÆ PLACITA. See *Placita.*

CORONATION ROLLS.

THAT of *Ed.* II. and claims of ſervices to be done at the coronations of *R.* II. and *H.* V. —at the *Tower.*

THOSE of *Ja.* I. *Ch.* II. *Ja.* II. *W.* and *M.* queen *Anne*, *Geo.* I. and *Geo.* II—at the *Rolls.*

CORONERS.

WRITS to chooſe coroners. See *Common Pleas.*

CORONERS rolls, or Inquiſitions—at the *Chapter Houſe.*

Co-

COVENANT.

WRITS of covenant. See *Common Pleas.*

COUNCIL.

ORDERS of the Council,—at *Council Chamber.*

SOME books of orders,—in lord *Oxford's Library.*

COUNTY PALATINE of *Lancaſter.* See *Dutchy Court.*

COURT ROLLS of

MANORS, formerly poſſeſſed by the Crown.

SOME at the *Receipt of the Exchequer.*

AT the *Chapter Houſe.*

At the *Augmentation Office.*

AT the *Auditors of the Land Revenue.*

THESE Rolls are chiefly from the time of *H.* VII. to *Ch.* I. incluſive.

CREDENTIALS. See *Ambaſſadors.*

CROWN.

GRANTS from the Crown. See *Grants.*

MANORS poſſeſſed by the Crown. See *Court Rolls*

DEBTS due to the Crown. See *Memoranda.*

PLEAS of the Crown. See *Placita Coronæ.*

CROWN lands. See *Leaſes.*

ACCOUNT of antient revenues of the Crown in ſeveral counties before 27 *H.* VIII.—at the *Augmentation Office.*

CUSTOMS of

HUNDREDS. See *Hundred Rolls.*

Ac-

ACCOUNTS of the Cuſtoms,—at the *King's Remembrancer's* and *Treaſurer's Remembrancer's Office.*

See *Pipe Rolls.*

AFFIDAVITS of goods for which cuſtoms have been paid. See *Memoranda.*

DEANRIES.

SURVEYS of deanries. See *Surveys.*

DECREE.

ROLLS in Chancery. See *Chancery.*

DEDIMUS's.

To ſwear offices, &c. from 9 *Ch.* I. *An.* 1633, to the preſent time,—at the *Petty Bag Office.*

DEEDS

And CONVEYANCES. See *Memoranda.*

INROLLED and docquets of deeds inrolled. See *Common Pleas.*

See *Inrollment Office.*

DIVORCE.

Matters concerning the divorce of *H.* VIII. from queen *Cath.*—at the *Chapter Houſe.*

DOCQUETS of

RECOVERIES,

DEEDS inrolled,—See *Common Pleas.*

DOCQUET Books in the *Exchequer.* See *Plea Rolls.*

DOMESDAY-BOOK.

At the *Receipt of the Exchequer.* V. ante ſub reg. *Will.* I.

AN Abridgment of *Domeſday*,—at the *King's Remembrancer's Office*, and *Cotton Library.*

DUTCHY

DUTCHY of CORNWALL See *Wales.*

GRANTS of *Edw.* IV. of divers lands in Cornwall and Kent, to his brother Richard duke of Glouceſter, and of divers lands and offices after in many parts of England. *Cotton Library*, Jul. B. 12. ib. Jul. C. 1.

DUTCHY COURT of *Lancaſter*,

BILLS, anſwers, books of orders, decrees, and other proceedings in this court, from the reign of Edw. IV. to the preſent time—in the Office of the clerk of the council of the ſaid Dutchy, in *Gray's Inn.*

MINISTERS accounts, ſurveys of honours within the ſaid dutchy, leaſes, charters, patents, &c. of the ſaid court. from 25 *Ed.* III. *An.* 1350 (at which time the dutchy and county palatine were erected),—and regiſter of grants from 50 *H.* III. *An.* 1265 (when that king granted the earldom of *Lancaſter* to his ſon *Edmund*), down to the preſent time,—at the Office of the clerk of the council of the ſaid dutchy court, in *Gray's Inn.*

CHARTERS, acts, &c. relating to the dutchy of Lancaſter. *Harl.* MSS. n. 2115.

COPYHOLD cuſtoms within the ſurvey of the Dutchy of Lancaſter for the North parts. V. Bibl. Leg. Ang. P. I. tit. CUSTOMS, Manors, &c.

ECCLESIASTICAL perſons and benefices. See *Benefices.*

ELEGITS. See *Common Pleas.*

ENQUIRY.

WRITS of. See *Common Pleas.*

COMMISSIONS of. See *Memoranda.*

ENTRY.

WRITS of entry, and tranſcripts on writs of entry. See *Common Pleas.*

EQUITY.

PROCEEDINGS in the court of Exchequer. See *Exchequer.*

ERROR.

WRITS of Error. See *King's-Bench.*

ESCHEATORS BUNDLES

ARE the inquiſitions certified into the Exchequer, upon the offices found by the eſcheators of lands held of the king, after the death of his tenants.

CALENDAR of eſcheators bundles, in the reign of *H.* III. *Ed.* I. II. III. *R.* II. *H.* IV. V. and *Ed.* IV.—at the *Tower.*

See *Inquiſitiones poſt Mortem.*

ESCUAGES. See *Red-Book.*

ESSAY ROLL. See *Mint.*

EXAMINATIONS.

OF *Aſke* the rebel, and others, concerning the inſurrections in *Lincolnſhire* and *Yorkſhire*, *An.* 1536,—at the *Chapter Houſe.*

EXCHEQUER.

BILLS, anſwers, decrees, and other equity proceedings in the court of Exchequer, from 1 *Eliz. An.* 1558, to the preſent time—at the *King's Remembrancer's Office.*

PLEA ROLLS. See *Plea.*

ROLLS called memoranda. See *Memoranda.*

ROLLS called originalia. See *Originalia.*

ROLLS of proceedings relating to eccleſiaſtical perſons and benefices. See *Benefices.*

PIPE ROLLS. See *Pipe.*

See *Plea Rolls.*

EXECUTION.

WRITS of Execution. See *King's Bench.*

EXIGENTERS Rolls,

EXIGENTS. See *Common Pleas.*

EXTENT. See *Statute Staple.*

EXTRACTS of patents and grants from the Crown. See *Originalia.*

FACULTIES.

CLERK of the faculties, his accounts. See *Accounts.*

FAIRS, free warren, &c. See *Calendar.*

FARMERS, and collectors of cuſtoms, ſubſidies, and impoſts. See *Accounts.*

FEE FARM. See *Rents* and *Grants.*

FEES.

A book of ancient charters and fees.

A book of fees paid at *Berwick* and *Edinburgh*, 32 *Ed.* III. *An.* 1357,—at the *King's Remembrancer's Office.*

See *Knights Fees.*

See *King's Fees.*

FENS.

INQUISITIONS about the fens in *Nottingham* and *Darby*, in a bag with the *Placita de Quo Warranto*, temp. *Ed.* III.—at the *Receipt of* the *Exchequer*.

FEODARIES. See *Wards*.

FIATS. See *King's Bench*.

FILACERS Rolls. See *Common Pleas*.

FILES. Records ſo called. See *King's Bench*.

FINE ROLLS.

WHERE any money was paid to the king for licence to alien lands, and fines *pro Licentia Concordandi*, &c.

FROM 6 king *John*, *An.* 1204, to the end of the reign of *Ed.* IV, *An.* 1483,—at the *Tower*.

FROM 1483 to 15 *Charles* I. *An.* 1639—at the *Rolls*.

FINES.

FROM the latter end of the reign of *H.* II. *An.* 1688,—at the *Receipt of the Exchequer*.

FROM 1688 to the preſent time,—at the *Cuſtos Brevium's Office*.

ENTRIES of king's money upon fines. See *Common Pleas*.

FEET of fines, or *Pedes Finium*,—at the *Chapter Houſe*.

See *Common Pleas*.

FIRST FRUITS.

THE court of firſt fruits and tenths was erected by ſtatute 32 *H* VIII.

ACCOUNTS of the receiver of the firſt fruits. See *Accounts*.

FLANDERS.

TREATIES and tranſactions with *Flanders*, from 8 *H.* II. *An.* 1161, to 10 *H.* IV. *An.* 1408,—at the *Chapter Houſe*.

FOREIGN ACCOUNTS.

ROLLS of foreign accounts, containing ſubſidies, aids, &c.—Thoſe few that are before the Revolution, *An.* 1688, are—at the *Court of Exchequer*.

FROM 1688 to the preſent time,—at the *Pipe Office*.

FOREIGN ROLLS. See *Treaty Rolls*.

FORESTS.

PLACITA FORESTÆ, perambulations and other proceedings relating to the foreſts, from 10 king *John*, *An.* 1208, to the end of the reign of *Ed.* III. *An.* 1377,—are at the *Receipt of the Exchequer*; except ſome perambulations of foreſts, in the 7 and 29 *Ed.* I. which are—at the *Tower*.

SINCE the time of *Ed.* III. the proceedings before the juſtices in Eyre ſeem not to have been regularly tranſmitted into the *Treaſuries of the Exchequer*, which is the reaſon, probably, that we have no more remains of foreſt proceedings ſince that time, but theſe following; viz.

A BOOK of proceedings before the lieutenants of the chief juſtice in Eyre, of the foreſts on the North of *Trent*, in the 30 and 31 *H.* VIII.—at the *Receipt of the Exchequer*.

FOR-

FOREST claims and proceedings in the *Swainimote* court, in 10 and 11 *Ch.* I. See *Swainimote.*

A BUNDLE of perambulations, 17 *Ch.* I. *An.* 1641, and writs for electing verderors, from 9 *Ch.* I. *An.* 1633, to the preſent time—at the *Petty Bag Office.*

CLAIMS, perambulations, and other proceedings before *Aubre de Vere*, chief juſtice in Eyre of the foreſts on this ſide the *Trent*, in the new foreſt in *Hampſhire*, and *Waltham* foreſt in *Eſſex*, in the reign of *Charles* II.—at the *Receipt of the Exchequer.*

PLACITA et Chartæ Foreſtæ de Shirwood, 8 *Ed.* III. ad temp. *Hen.* VI. *Harl.* MSS. n. 4954.

DE foreſta & limitibus foreſtæ de Wendeſledal, de maneriis de Ravington, Weſtwilton. *Cotton Lib.* Fauſt. B. 7.

INQUISITIO foreſtæ de Inglewood facta temp. *Hen.* III. *Cotton Lib.* Jul. B. 12.

EYRE del Foreſt de New Windſor, Tr. Vac. 8 *Car.* I. *Harl.* MSS. n. 1330.

NOTES taken at a juſtice-ſeat for the foreſt of Windſor, in com. Berks. Sept 24, 1632. The earl of Holland chief juſtice in Eyre. *Dodſworth's* MSS. n. 7813.

ITINERA Foreſta de Deane. *Hale* MSS. n. 45.

1. TREATISE upon foreſts, parks, chaſes, and free warrens. 2. Judicial precedents concerning the ſame. 3. A charge to the juſtice in Eyre in foreſt cauſes. *Harl.* MSS. n. 5194.

PRO-

PROCLAMATION of queen *Eliz.* of aſſart and diſforeſted lands, and collections touching the ſame. *Cotton Lib.* Fauſt. C. 2.

RIGHTS of the king's foreſts. *Cotton Library.* Veſp. F. 4.

TRACTATUS de Legibus Foreſtæ. *Hale* MSS. n. 43.

See alſo Bib. Leg. Ang. P. I. *tit.* CUSTOMS, *Foreſts.*

FORFEITED ESTATES.

SPECIAL commiſſions, inquiſitions, and traverſes, relating to forfeited eſtates,—a few in the reign of *Ja.* I. and from 13 *Ch.* I. *An.* 1637, to the preſent time,—at the *Petty Bag Office.*

ROLLS of forfeited eſtates given away by new grants from the Crown—beginning 15 *Ed.* II. *An.* 1321—at the *Tower.*

SURVEYS, &c. of forfeited eſtates in the reign of queen *Eliz.*—at the *King's Remembrancer's Office* in the *Temple,*

Some accounts, ſurveys, &c. temp. *H.* VIII. —at the *Chapter Houſe.*

FORFEITURES on penal laws. See *Memoranda.*

FOUNDATIONS of

ABBIES, priories, colleges, ſchools, &c. with lands and privileges granted to them,—at the *Tower.*

WESTMINSTER chapel. See *Weſtminſter.*

MAGDALEN college at *Oxford,*—at the *Chapter Houſe.*

FRANCE.

FRANCE.

TREATIES and tranſactions with *France*, from 38 *H.* III. *An.* 1254, to 10 *Ja.* I. *An.* 1612. —at the *Chapter Houſe*.

FRANCHISES and liberties. See *Quo Warranto & Memoranda*.

FRENCH ROLLS.

One ROLL of treaties in the reign of *R.* I. and king *John*—at the *Chapter Houſe*.

FROM 1 *Ed.* II. *An.* 1307, to the end of *Ed.* IV. *An.* 1483,—at the *Tower*.

GENERAL PARDONS. See *Patent Rolls*

GERMANY.

Treaties and tranſactions with *Germany*, from 6 *Ed.* I. *An.* 1278, to 25 *Eliz. An.* 1582,— at the *Chapter Houſe*.

GAOL DELIVERIES,

FROM the beginning of the reign of *Ed.* I. *An.* 1272, to the end of the reign of *H.* VI. *An.* 1460, and ſome few in the reign of *Ed.* IV. —at the *Chapter Houſe*.

COMMISSIONS of gaol delivery,—on the back of the *Patent Rolls*.

GRANTS.

BOOKS of inrollment of grants in fee, or for term of years, from the Crown, from the latter end of the reign of *H.* VIII. to the preſent time,—at the *Auditors of the Land Revenue Office*.

EXTRACTS of grants. See *Originalia*.

OF the Dutchy court. See *Dutchy Court*.

In fee farm,

Of charters and liberties,

Offices,

Wardships, See *Patent Rolls.*

Confirmation of grants See *Confirmation Rolls.*

Of forfeited eſtates. See *Forfeited Eſtates.*

To abbies, monaſteries, &c.—in the *Charter Rolls* at the *Tower.*

See *Memoranda.*

Great Roll. See *Pipe Roll.*

Great Seal. See *Patents* and *Memoranda.*

Habeas Corpus. See *King's-Bench.*

Hanapier.

Clerk of the hanapier, his accounts. See *Accounts.*

Heirs.

Book of heirs, containing the names of perſons who had offices found in the time of *H.* III. declaring who were their heirs, and their age; and ſometimes mentioning their wives, with the counties wherein they had any lands—at the *Tower.*

Books of the ſame nature in the reigns of *Ed.* I. *Ed.* II. *Ed.* III. *Ric.* II. *Hen.* IV. and *H.* V.—at the *Tower.*

Holland.

Treaties and tranſactions with *Holland* and the United Provinces.

From 19 *H.* VI. *An.* 1440, to 22 *Ja.* I. *An.* 1624—at the *Chapter Houſe*

Homagi

HOMAGE done by the *Scotch* nobility to *Ed.* I. —at the *Tower*.

HOSPITALS.

SURVEYS of hoſpitals. See *Surveys*.

HOUSES.

DUTY on houſes. See *Tax*.

HUNDRED ROLLS, being regiſters of the tenures, cuſtoms, &c. of hundreds, made about 7 *Ed.* I. —at the *Tower*.

HUSTINGS.

RECORDS of the court of huſtings,—at the *Chamber of* London, viz. *at the Town Clerk's Office*, beginning 20 *H.* VII. See *London*.

IDIOCY. See *Lunacy*.

JEWELS.

INDENTURES and inventories of jewels,—ſome—at the *Chapter Houſe*, ſome—in lord Oxford's *Library*.

JEWS.

SEVERAL records relating to the Jews,—at the *Tower*.

IMPOSTS,

ACCOUNTS of collectors of impoſts. See *Accounts*.

INDENTURES of

The MINT. See *Mint*.

The JEWEL HOUSE and wardrobe, ſome—at the *Chapter Houſe*, and ſome at lord *Oxford's Library*.

INDEXES to

The RECORDS of *King's-Bench* and *Common Pleas*,—at the *Chapter Houſe*.

The Assise and Quo Warranto Rolls,—at the *Chapter Houſe*.

Indictments. See *King's Bench*.

Informations in the *King's-Bench*. See *King's-Bench*.

On ſeizures. See *Memoranda*.

Personal informations for forfeitures on the penal laws. See *Memoranda*.

Inquisitio Gheldi. V. Bib. Leg. Ang. P. I. tit. Records.

Inquisitions.

Ad Quod Dampnum, from 1 *Ed.* II. *An.* 1307, to the end of the reign of *H.* V. *An.* 1422—at the *Tower*.

From 1 *R.* III. *An.* 1483, to the end of the reign of *Will.* III. *An.* 1702—at the *Rolls*.

From 1702, to the preſent time, at the *Petty Bag*.

Of Lands eſcheated. See *Teſta de Nevil*.

Commissioners of charitable uſes. See *Commiſſioners*, &c.

Lunacy and Idiocy. See *Lunacy*.

Coroners. See *Coroners*.

About the Fens. See *Fens*.

Upon Outlawries. See *Common Pleas*.

Post Mortem, from 1 *H.* III. *An.* 1216, to the end of the reign of *R.* III. *An.* 1485,—at the *Tower*. Various others, *Cotton Library*, Jul. B. 12.

From

From 1485, to 20 *Ch.* I. *An.* 1644, at the *Rolls*; except ſome bundles from 31 *Eliz. An.* 1589, to the ſaid 20 *Ch.* I. which are —at the *Petty Bag Office.*

AUTHENTIC tranſcripts, or duplicates of the Inquiſitiones Poſt Mortem, ſince the erecting of the court of wards, *An.* 32 *H.* VIII. *An.* 1540, are among the records of that court, —at the *Chapter Houſe.*

See *Calendar* and *Eſcheators Bundles.*

See *Wards* and *Liveries.*

INROLLMENT of

GRANTS from the Crown. See *Grants.*

DEEDS. See *Common Pleas.*

PATENTS, with privy ſeal bills for the ſame, from 1 Queen *Anne* to the preſent time,—at *Petty Bag Office.*

The JOINTURE of *Katherine* queen *Dowager*,—at the *Auditors of the Land Revenue.*

The INROLLMENT office in Chancery was conſtituted by letters patent 16 *Eliz. An.* 1573, for the inrollment of recognizances, deeds, &c. in chancery; and there are books kept of all the inrollments made in it ſince its firſt inſtitution.

INSTITUTIONS.

CERTIFICATES of inſtitutions, from 37 *Eliz. An.* 1594, to the preſent time,—at the *Firſt Fruits Office.*

INTERROGATORIES, in king's-Bench. See *King's Bench.*

INVENTORIES of the goods, plate, jewels, &c. of Sir *William Stanley*, biſhop of *Ely*, earl of *Oxford*, cardinal *Wolſey*, *Thomas Cromwell*, lord *Monteagle*, and lady *Hungerford*, in the reigns of *H.* VII. and *H.* VIII.—at the *Chapter Houſe*.

IRELAND.

CHARTERS, commiſſions, &c, relating to *Ireland*, from the reign of *H.* III.—at the *Tower*.

PAPERS relating to the affairs of *Ireland*, in a preſs—at the *King's Remembrancer's Office*.

SOME, temp. H. VIII.—at the *Chapter Houſe*.

ITALY.

TREATIES and tranſactions with *Italy*.

FROM 26 *Ed.* III. *An.* 1351, to 19 *H.* VIII. *An.* 1527,—at the *Chapter Houſe*.

ITER ROLLS, or rolls of proceedings before the juſtices itinerant,—at the *Receipt of the Exchequer*.

PLACITA Itineræ *variæ*. *Hale's* MSS.

JUDGMENTS.

ON Scire Facias's, and on declarations for and againſt officers of the court of chancery. See *Chancery*.

ON FRANCHISES and liberties. See *Quo Warranto*.

ALPHABETICAL liſt of judgments. See *Common Pleas*.

DOCQUET book to judgments in the Exchequer. See *Pleas*.

JUDICIAL WRITS. See *King's Bench.*

KINGS at ARMS, their viſitations. See *Viſitations.*

KING'S-BENCH.

The JUDICATURE of the king's court, or *Curia Regis*, began to be divided, and Common Pleas reſerved to a court then newly erected, called the *Bank*, in the reign of *R.* I. or king *John*, which diviſion of the courts was compleated in the reign of *H.* III. By degrees the phraſe *Curia Regis* was diſuſed, and the proceedings in that court (now called the *King's-Bench*) were ſaid to be *Coram Rege*, or *Coram Domino Rege*, and the proceedings in the *Cammon Pleas* were ſaid to be in *Banco.*

ROLLS of the court of King's-Bench, from 6 *R.* I. *An.* 1195, to the end of the reign of *H.* V. *An.* 1422,—at the *Chapter Houſe.*

INDEXES to ditto,—at the *Chapter Houſe.*

ROLLS from 1422 to the preſent time,—at the *King's-Bench Treaſury.*

RECORDS of attainders, in the *Baga de Secretis*, —at the *King's Bench Treaſury.*

OTHER proceedings in this court; ſuch as memorandums of all cauſes and proſecutions commenced each term,—in the BAG ROLLS.

DOCQUETS of the proceedings in each cauſe every term, from the appearance to judgment, pardons, &c.—in the *Controllment Rolls.*

WRITS

WRITS original and judicial—indictments—appeals—informations---Writs of Error--mandamus's---habeas corpus---ſcire facias---noctanters, &c.---writs of execution for treaſon, &c.---capias's, &c.---levaries, &c. returns of reſcues, and to writs of mandamus, in the *Special Writ Rolls*.

RECORDS called Files; ſome for the ſeveral writs above-mentioned---for recognizances--articles of the peace, &c.---fiats---king's proceſs---interrogatories and depoſitions before the Revolution, 1688—at the *King's-Bench Treaſury*. From 1688, to the preſent time, —at the *Crown Office*.

KING'S FEES. See *Teſta de Nevil.*

KING'S MONEY.

ENTRIES of king's money upon fines. See *Common Pleas.*

KING'S PROCESS. See *King's-Bench.*

KIRBY'S INQUEST. V. Bibl. Leg. Ang. P. I. *tit.* RECORDS.

KNIGHTS FEES.

BOOK of knights fees in the time of king *Ed. I.*

ANOTHER book of the like nature,

BOOK of knights fees and ſubſidies, temp. *H.* VI.—at the *King's Remembrancer's Office.*

A BOOK of all knights fees—at the *Treaſurer's Remembrancer's Office.*

LANCASTER. See *Dutchy Court.*

LANDS,

LANDS,

Which came to the Crown by attainders, purchaſe, diſſolution of religious houſes, &c. See *Miniſters Accounts.*

ABBEY lands,

CROWN lands,

OF perſons outlawed. See *Leaſes.*

HELD in grand or petty ſerjeanty. See *Teſta de Nevil.*

DEEDS of ſale, gift, purchaſe and exchange of lands made in former times, beginning in *Ed.* I.—at the *Chapter Houſe.*

EVIDENCES relating to *Hugh de Spencer's* lands, and ſeveral others,—at the *Chapter Houſe.*

See *Accounts, Surveys. Rentals.*

LAND TAX. See *Tax.*

LEAGUES. See *Treaties.*

LEASES of

CROWN lands, and of lands of perſons outlawed, in the reigns of *H.* VIII. *Ed.* VI. *Ph.* and *M. Eliz.* and a few in *Ja.* I.—at the *Augmentation Office.*

FROM the beginning of *Ja.* I. *An.* 1603, to the preſent time,—at the *Leaſe Office* in *Gray's-Inn.*

THAT paſs the great ſeal. See *Patent Rolls.*

CONVENTUAL leaſes, before the diſſolution of the convents, in the reign of *H.* VIII.—— at the *Augmentation Office.*

LEASES

BY the Crown of abbey lands, after the diſſolution,—at the *Augmentation Office.*

PAR-

PARTICULARS for leaſes in the time of *H.* VIII. queen *Eliz.* and *Ja.* I.—at the *Augmentation Office.*

DUTCHY court of *Lancaſter.* See *Dutchy Court.*

OF Mines. See *Mines.*

LEIDGER BOOKS of

RELIGIOUS houſes. See *Religious Houſes.*

See *Cartularies.*

LETTERS and CYPHERS of

PUBLIC miniſters and ambaſſadors to *H.* VIII. cardinal *Wolſey*, and lord *Cromwell*, &c.

FROM cardinal *Poole* to *H.* VIII. and to the council, temp. *H.* VIII.—at the *Chapter Houſe.*

FOREIGN kings, princes, and cardinals,—at the *Tower.*

SEVERAL—at the *Paper Office* in *Whitehall*, and *Green Cloth.*

LETTERS of our princes, and their miniſters,—in lord *Oxford's Library.*

VOLUMES of letters, to and from *H.* VIII. cardinal *Wolſey*, lord *Burleigh*, &c.—in the biſhop of *Ely's Library.*

LETTERS of our kings, queens, &c.—in the *Cotton Library.*

LETTERS PATENT.

SEVERAL—at the *Augmentation Office*, and *Chapter Houſe*, &c.

See *Patents.*

LEVA-

LEVARIES. See *King's-Bench.*

LIBERATE ROLLS,

ARE rolls of writs directing the payment of penſions, or ſums of money out of the Exchequer, or to a ſheriff to deliver poſſeſſion of lands or goods extended.

FROM 2 king *John*, *An.* 1200, to the end of *Ed.* IV. *An.* 1483,—at the *Tower*.

LIBERTIES and FRANCHISES.

See *Quo Warranto*, *Memoranda*, *Calendar*, *Patent Rolls*.

LICENCES of

ALIENATION,

ALL ſorts, that paſs the great ſeal. See *Patent Rolls*.

MORTMAIN. See *Mortmain*.

LICENTIA CONCORDANDI. See *Fine Rolls*.

LIVERIES.

COURT of wards and liveries. See *Ward* and *Liveries*.

SPECIAL liveries. See *Patent Rolls* and *Wards*.

LONDON.

PLACITA inter oppida Hanſeatica et Londinenſes, *Cotton Lib.* Titus. B. 6.

DE PLACITIS ad Huſtengum London. tentis 50 *Edw.* III. *Harl.* MSS. n. 743. 8.

DE Libertate Civium Londonienſum. *Ib.* n. 746. 7.

REGISTER of all the bailiffs, mayors, and ſheriffs of London, from *Ric.* I. to 10 *Hen.* VI. with a chronicle of many conſiderable

occurrences in every year. *Cotton Lib.* Jul. B. 1.—Other matters concerning the city of London, *in the ſame Library.*

SEVERAL MS. collections relating to the cuſtoms, laws, and privileges of London, are among the MSS. in the Muſeum. V. Ayſcough's Catalogue, V. I. p. 279.

Other collections are alſo in the library of Francis Hargrave, Eſq. having been lately in the poſſeſſion of Paul Feilde, Eſq.

See alſo Bibl. Leg. Ang. P. I. tit. CUSTOMS, &c. London.

LUNACY.

COMMISSIONS and inquiſitions of lunacy and idiocy, from the laſt year of *Ch.* I. *An.* 1648, to the preſent time,—at the *Petty Bag Office.*

MAGNA CHARTA. V. ante III.

MANDAMUS. See *King's-Bench.*

MANORS formerly poſſeſſed by the Crown. See *Court Rolls, Surveys, Calendar.*

MARSHALSEA,

RECORDS relating to marſhalſea buſineſs,—at the *Paper Office.*

MEMBERS of Parliament. Certificates of their qualifications. See *Parliament.*

MEMORANDA.

ROLLS of the court of Exchequer, called *Memoranda*, containing writs of Scire Facias, for recovering debts due to the Crown—extents—commiſſions of enquiry—informations on ſeizures made in the ſeveral ports of *England*—perſonal informations for forfeitures on the penal laws—tranſcripts of outlawries, and the ſeveral

ſeveral proceedings on all theſe writs—recognizances—proffers (being money paid by the ſheriffs half-yearly)—ſeveral grants and patents under the great and privy ſeal—warrants and conſtitutions under the ſign manual—ſeveral deeds and conveyances made by private perſons—affidavits of goods for which cuſtoms have been paid——

FROM the beginning of the reign of *H.* III. *An.* 1216, to the preſent time,—at the *King's Remembrancer's Office.* And

CALENDARS of the above Memoranda, in books called *Books de Agendis*, from the reign of *Ed.* I.

ROLLS called *Memoranda*, containing pleadings and proceedings relating to tenures, franchiſes, privileges, &c.

FROM the beginning of the reign of *H.* III. *An.* 1216, to the preſent time,—at the *Treaſurer's Remembrancer's Office.*

MEMORANDA

OF cauſes and proſecutions in the King's-Bench. See *King's-Bench.*

MEMORIALS with foreign princes, &c.—at the *Paper Office.*

MINES.

A LEASE made by *R.* II. of his mines of gold and ſilver in *Glouceſterſhire* and *Somerſetſhire* for 7 years,—at the *Chapter Houſe.*

BUNDLES of letters relating to the mines in *England*, with inſtructions and contracts, temp. *H.* VIII.—at the *Chapter Houſe.*

MINISTERS ACCOUNTS.

ROLLS of miniſters accounts, containing accounts of lands or poſſeſſions which came to the Crown by attainder, purchaſe, diſſolution of religious houſes, and the like.

BEFORE the reign of H. VIII.—at the *Augmentation Office.*

FROM *H.* VIII. to *Ch.* I. incluſive, there are ſome—at the *Augmentation Office*, and ſome in rooms *over or adjoining to the Exchequer*, in cuſtody *of the Auditors of the Land Revenue.*

IN the dutchy court of *Lancaſter.* See *Dutchy Court.*

MINISTERS and ambaſſadors letters. See *Letters.*

MINT.

AN ASSAY ROLL in the reign of *Ed.* I. and indentures between the kings of *England*, and maſters and workers of the mint, in the reigns of *Ed.* III. *H.* VI. *Ed.* IV. *R.* III. *H.* VII. *H.* VIII. *Ed.* VI. queen *Mary* and queen *Eliz.* and *Ch.* I. with other papers relating to the mint,—at the *Chapter Houſe.*

See *Pipe Rolls.*

STATE of the mint in ſeveral reigns,—at lord *Oxford's Library.*

ACCOUNTS of wardens of the mint. See *Accounts.*

MINUTE BOOK of the court of Exchequer. See *Plea Rolls.*

MITTIMUS. See *Common Pleas.*

MONASTERIES.

SURRENDERS of ſeveral monaſteries to Cardinal *Wolſey*,—at the *Chapter Houſe.*

SUR-

SURRENDERS of religious houſes to *H.* VIII. —at the *Augmentation Office.*

RERORTS of viſitors of monaſteries and religious houſes, temp. *H.* VIII.—in the *Chapter Houſe.*

LETTERS to lord *Cromwell*, temp. *H.* VIII. relating the ſtate of the monaſteries and diſorders of the monks, &c.—at the *Chapter Houſe.*

Two bags of ſurveys of diſſolved monaſteries, —at the *Receipt of the Exchequer.*

A BOOK concerning the monaſtery of St. *Auguſtine's* in *Kent*, the lands and charters thereof.

BOOK concerning the monaſtery of *Godſtow* in com. *Oxon.*

BOOK concerning the monaſtery of *Malmſbury*,

BOOK concerning the monaſtery of *New Palace*, in *Sherwood*, their charters, monuments, and pleas, and land purchaſed,

BOOK of the Rolls in the *Tower*, concerning the monaſteries of *Wynchcombe* and *Hales*, and divers manors belonging to them,—at the *King's Remembrancer's Office.*

SEVERAL chartularies of monaſteries—at the *Cotton Library.*

CHARTULARIES and leidger books of St. *Alban's*, *Bromholm*, *Kington*, *Langley*, &c.—in the biſhop of *Ely's Library.*

See *Abbies—Priories—Religious Houſes—Conventual Leaſes—Surveys.*

SUR-

SURVEYS of monaſteries,—at the *Augmentation Office*, and at the *Firſt fruits Office*.

CERTIFICATES of commiſſioners appointed to ſurvey the ſmall monaſteries, *An.* 28 H. VIII. See *Surveys*.

MORTMAIN.

A ROLL of lands given in mortmain in *London*, from the 7th to 30 *Ed.* I.—at the *Receipt of the Exchequer*.

LICENCES to give in mortmain. See *Confirmation Roll*.

LICENCE of mortmain, 20 H. VIII. to Cardinal *Wolſey*, for appropriating divers lands to his college at *Ipſwich*—at the *Chapter Houſe*.

MUSTERS in *H.* VIIIth's time,—at the *Chapter Houſe*.

NAVARRE.

TREATIES and tranſactions with *Navarre*, from 1 *R.* II. *An.* 1378, to 4 *H.* VIII. *An.* 1512, —at the *Chapter Houſe*.

NAVY.

TREASURERS of,

VICTUALLERS of,—ſee *Accounts*.

NOBILITY.

PATENTS of creation of noblemen,—at the *Tower*.

THEIR honours and deſcents,—at the *Herald's Office*, and

SEVERAL—in lord *Oxford*'s *Library*.

HOMAGE done by the *Scotch* nobility to *Ed.* I. See *Homage*.

Noc-

NOCTANTERS. See *King's-Bench.*

NOMINA VILLARUM. V. ante ſub reg. *Ed.* II.

NORMAN ROLLS.

In the reigns of king *John*, *H.* IV. and *H.* V. —at the *Tower.*

OFFICERS of

THE court of Chancery, judgments, and declarations for and againſt them. See *Chancery.*

GREAT OFFICERS accounts. See *Accounts.*

OFFICES.

GRANTS of offices. See *Patent Rolls.*

SURVEYS of eccleſiaſtical offices and promotions. See *Surveys.*

BONDS for due execution of offices. See *Bonds.*

ORDERS.

BY lord ſtewards. See *Stewards.*

OF the court of Exchequer. See *Plea Rolls.*

ORDNANCE.

ACCOUNTS of the office of ordnance. See *Accounts.*

ORDINANCES of parliament. See *Parliament.*

ORIGINAL WRITS. See *King's-Bench* and *Common Pleas.*

ORIGINALIA.

ROLLS of the court of Exchequer, called Originalia, containing extracts of patents and grants from the Crown. From about the beginning of the reign of *H.* III. *An.* 1216, to the preſent time,—at the *Treaſurer's Remembrancer's Office.*

OUTLAWED PERSONS.

LEASES of their lands. See *Leaſes.*

OUTLAWRIES. See *Common Pleas* and *Memoranda.*

PARDONS. See *King's-Bench.*

OF ALIENATION,

GENERAL and ſpecial,—ſee *Patent Rolls.*

PARLIAMENT ROLLS.

In the reign of *Ed.* I. beginning the 18th year of his reign, *An.* 1289, and a book of the ſaid rolls abbreviated,—at the *Receipt of the Exchequer.*

FROM 5 *Ed.* II. *An.* 1311, to the end of the reign of *Ed.* IV. *An.* 1483—at the *Tower.*

FROM 1483, to the preſent time,—at the *Rolls.*

ONE roll 7 *H.* V. *An.* 1419, and act of Reſumption, 28 *H.* VI. *An.* 1450,—at the *Receipt of the Exchequer.*

COPIES of the *Rolls* of parliament from *Ed.* I. to the end of the reign of *H.* VII.—in the earl of *Suſſex's Library.*

A large collection of copies of theſe originals are in the *Cotton Library*, and among *Hale's* MSS. V. *Rotuli Parliamentorum*, Bibl. Leg. Ang. P. I. *tit.* Parliament.

WRITS of ſummons and returns to parliament.

Theſe writs, and writs for knights and burgeſſes wages, are for the moſt part on the back of the Cloſe Rolls, *and ſometimes, though rarely, on the back of the* Patent Rolls.

FROM

FROM 49 *H.* III. *An.* 1264, to 17 *Ed.* IV, *An.* 1477,—at the *Tower*.

FROM 33 *H.* VIII. *An.* 1541, to 16 *Ch.* I. *An.* 1640,—at the *Rolls*.

FROM the Reſtoration to 7 *Geo.* I. *An.* 1721,—at the *Petty Bag*.

FROM 1721, to the preſent time,—in cuſtody of the *Clerk of the Crown in Chancery*.

PETITIONS in parliament.

IN the reigns of *Ed.* III. *R.* II. *H.* IV. V. VI. and *Ed.* IV.—at the *Tower*.

CERTIFICATES of the qualifications of members of parliament.

IN the reigns of Queen *Anne*, *Geo.* I. and *Geo.* II. —at the *Petty Bag* and *Crown Office*.

ACTS, ordinances, and journals of parliament, in the cuſtody of the *Clerks*.

CALENDAR or collection out of all the parliament rolls of attainders, reſtitutions and reſumptions, from 29 *H.* III. *An.* 1245, to the end of his reign, *An.* 1272,—at the *Tower*.

PLACITA parliamentaria. V. ante ſub reg. *Ed.* I.

PARSONAGES.

SURVEYS of parſonages. See *Surveys*.

PATENT ROLLS.

ON theſe are inrolled all grants in fee-farm—all leaſes that paſs the great ſeal—grants of charters and liberties—grants of offices—licences and pardons of alienation—preſentations (formerly but not of late) ſpecial liveries—grants of wardſhips—ſpecial and general

neral pardons—licences of all ſorts that paſs the great ſeal. On the back of theſe rolls are commiſſions of the peace—commiſſions of ſewers, &c.—and all commiſſions and proclamations that paſs the great ſeal.

FROM 3 king *John*, *An.* 1201, to the end of the reign of *Ed.* IV. *An.* 1483,—at the *Tower*.

FROM 1483, to the end of *Will.* III. *An.* 1702, —at the *Rolls*.

FROM 1702, to the preſent time,——at the *Petty Bag Office*.

ONE roll 7 king *John*, *An.* 1205,

ONE roll, from 1 *Ed.* II. *An.* 1307, to 14 *Ed.* II. *An.* 1320,

ROLLS of 22, 23, and 24 *H.* VI..—at the *Receipt of Exchequer*.

EXTRACTS out of the patent rolls of matters relating to *Wales*. See *Welch Rolls*.

PATENTS and grants from the Crown.

EXTRACTS of them in the rolls called Originalia. See *Originalia*,

SOME in the Memoranda rolls. See *Memoranda*.

SOME at the *Augmentation Office*.

SOME at the *Chapter Houſe*,

OF the dutchy court of *Lancaſter*. See *Dutchy Court*.

OF creation of noblemen,—at the *Tower*.

See *Inrolment of Patents*.

PATRONAGES. See *Certificates*.

PEACE.

ARTICLES of the peace. See *King's-Bench.*

COMMISSIONS of the peace. See *Patent Rolls.*

TREATIES of peace. See *Treaties.*

PEDES FINIUM. See *Common Pleas.*

PENSIONS given by the Pope, *French* King, and others, to Cardinal *Wolſey*,—at the *Chapter Houſe.*

PERAMBULATIONS of Foreſts

ARE the ſurveyings, or walking about the limits of foreſts, by certain judges or other officers, to ſet down and preſerve the metes and bounds thereof. See *Foreſts.*

PETITIONS in Parliament. See *Parliament.*

PHILAZERS ROLLS. See *Filacers Rolls.*

PIPE ROLLS

ARE rolls of the Exchequer, otherwiſe called the *Great Rolls*, in which are ſtated the accounts of the revenue.

ONE roll of 3 king *Stephen*, *An.* 1139, (as is ſuppoſed) and from 1 *H.* II. *An.* 1154, to the Revolution, *An.* 1688,—at the *Court of Exchequer.*

FROM 1688, to the preſent time,—at the *Pipe Office* in *Grays-Inn.*

ONE pipe roll 3 *John* 1201, *at the Receipt of the Exchequer.*

ROTULI Compotorum, containing accounts of the iſſues of the great offices of the wardrobe, cuſtoms, butlerage of *England*, mint, &c.——at the *Pipe Office.*

See *Foreign Accounts.*

PLACITA CORONÆ.

FROM 15 *H.* III, *An.* 1232, to the end of *Ed.* III. *An.* 1377,—at the *Chapter Houſe.*

FROM 38 to 43 *Ed.* III. and from 4 to 19 *Hen.* VI. *Harl.* MSS. *n.* 5088.

FORESTÆ. See *Foreſt.*

DE QUO WARRANTO. See *Quo Warranto.*

PLEADINGS

UPON franchiſes and liberties. See *Quo Warranto* and *Memoranda.*

PLEA ROLLS of the court of Exchequer.

THESE begin in *Edw.* I's time (of which reign there is one roll), from which time down to the end of *Ja.* I. *An.* 1625, they are—in the *Office of the Clerk of the Pleas of Weſtminſter.*

FROM 1 *Ch.* I. *An.* 1625, to the preſent time, —at the *Office of the Pleas*, at *Lincoln's-Inn.*

ROLLS of pleas and proceedings in the court of Exchequer, relating to eccleſiaſtical perſons and beneſices. See *Beneſices.*

PLEA ROLLS of the court of Exchequer.

BOOKS of orders of the court of Exchequer—minute-books—minutes of orders, from which books of orders were made—writ-books (being entries of Quo Minus's, and the daily iſſues, &c.) appearance-books (containing the appearance of defendants, &c.)—Docquet books, referring to the rolls and judgments, beginning temp. *Eliz.*—files of bills in cauſes—files of writs returned—from 1 *Ch.* I. *An.* 1625, to the preſent time,—at the *Office of Pleas* at *Lincoln's-Inn.*

BEFORE

BEFORE that time,—at the *Office of the Clerk of the Pleas* at *Weſtminſter*.

PLEAS of the Crown. See *Placita Coronæ*.

POPES.

BULLS. See *Bulls*.

SUPREMACY. See *Supremacy*.

PENSIONS. See *Penſions*.

SEVERAL books relating to the Pope, temp. *H.* VIII.—at the *Chapter Houſe*,

POPISH CONVICTS. See *Certificates*, and *King's-Bench*.

PORT BONDS. See *Bonds*.

PORT BOOKS.

CONTAINING entries of all goods and merchandizes imported, exported, and carried coaſtways, which are annually returned by the cuſtoms and patent officers of the ſeveral ports,—at the *King's Remembrancer's Office*.

PORTUGAL.

TREATIES and tranſactions with *Portugal*.

FROM 47 *Ed.* III. *An.* 1372. to 5 *H.* VII. *An.* 1489,—at the *Chapter Houſe*.

POSTEAS. See *Common Pleas*.

POSTMASTERS Accounts. See *Accounts*.

PREBENDS.

SURVEYS of prebends. See *Surveys*.

PREROGATIVE COURT.

THE ancient courſe and cuſtoms of proceeding in divers matters in the prerogative court. *Harl.* MSS. n. 1877. 99.

PRE-

PRESENTATIONS.
See *Patent Rolls.*

A COLLECTION out of the patent rolls of all preſentations made by the king to any church, prebend, or chapel, from 1 *Ed.* I. *An.* 1272, to the middle of the reign of *Ed.* III.—at the *Tower.*

PRIORIES.
SURVEYS of priories. See *Surveys.*

FOUNDATIONS of priories. See *Foundations.*

SURRENDERS of priories, temp. *H.* VIII.—at the *Chapter Houſe*, and *Augmentation Office.*

A BOOK relating to the priory of *Oſney*,
A BOOK concerning the lands of the priory of *Coventry.*—at the *King's Remembrancer's Office, Weſtminſter.*

REGISTERS, rentals, and treaſurer's accounts of the priory of *Chriſt Church*, of the priory of *Dover*, &c.—in the *Library of* Canterbury *Cathedral.*

OF the priory of *Coln*—in the duke of *Kent's Library.*

See *Abbies*, *Monaſteries*, *Religious Houſes.*

PRIVY COUNCIL.
BOOKS of the Privy Council,——at the *Council Chamber.*

SOME in lord *Oxford's Library.*

PRIVILECED PERSONS.
BILLS againſt them. See *Common Pleas.*

PRIVILEGES. See *Memoranda.*

PRIVY SEALS.
IN the reign of *Ed.* I. and from the beginning of

of *Ed.* II. *An.* 1307, to the end of *Ed.* IV. *An.* 1483, and ſome in the reign of *R.* III.—at the *Tower*.

SOME in the reign of *R.* III. and from 1 *H.* VII. *An.* 1485, to the end of the reign of *Will.* III. *An.* 1702,—at the *Rolls*.

FROM 1702 to the preſent time,—at the *Petty Bag Office*.

SEVERAL—at the *Firſt Fruits Office*.

A GREAT many for the loan of money, in the reigns of *H.* VII. and *H.* VIII.—at the *Chapter Houſe*.

PRIVY SEAL Bills. See *Inrollment*.

See *Memoranda*.

PRIZES.

PROCEEDINGS of his majeſty's principal commiſſioners for prizes, 1664 to 1668, 3 vols MSS. *Harl.* MSS. n. 1509.

PROCESS.

AGAINST collectors and receivers of taxes, &c. —at the *King's Remembrancer's Office*.

KING's Proceſs. See *King's Bench*.

PROCLAMATIONS. See *Common Pleas*.

Under the great ſeal. See *Patent Rolls*.

A great many——at the *Paper Office*.

PROFERS.

BEING particulars of money paid half yearly by the ſheriffs of the ſeveral counties, &c.

See *Memoranda*.

PROVOSTSHIPS.

SURVEYS of provoſtſhips. See *Surveys*.

QUOD

QUOD DAMPNUM. See *Inquiſitions ad Quod Dampnum.*

QUO MINUS. See *Plea Rolls.*

QUO WARRANTO ROLLS.

IN the reigns of *Ed.* I. *Ed.* II. *Ed.* III.—at the *Receipt of the Exchequer*, and

INDEXES to the ſaid rolls.

SINCE 10 *Ed.* III. *An.* 1335, lord chief juſtice *Hale* obſerves, that pleadings and judgments upon franchiſes and liberties, have not been before the juſtices itinerant, but in the King's Bench or Exchequer, and ſo are reſpectively entered, either upon the *King's Bench Rolls*, or *Memoranda of the Court of Exchequer.*

RAGEMAN ROLL, 4 *Ed.* I. V. Bib. Leg. Ang. P. I. *tit.* RECORDS.

RECEIVERS.

PROCESS againſt receivers and collectors of taxes. See *Taxes.*

ACCOUNTS of the receivers general of land-tax, and duties upon houſes. See *Accounts.*

RECOGNIZANCES.

See *Common Pleas*, *King's-Bench*, *Chancery*, *Memoranda.*

RECOVERIES.

COMMON Recoveries,

DOCQUETS of Recoveries,—ſee *Common Pleas.*

RED-BOOK of the Exchequer,

AT the *King's Remembrancer's-Office.* V. ante ſub. reg. *Hen.* II.

RE-

REGISTER of

GRANTS in the dutchy of *Lancaſter*. See *Dutchy Court*.

PRIORIES. See *Priories*.

ABBIES. See *Abbies*.

RELIGIOUS HOUSES. See *Religious Houſes*.

THREE regiſters of the biſhoprick of *Hereford*, and regiſters of the biſhops of *Ely*, beginning with biſhop *Alcock*, tempore *H.* VII.—in the biſhop of *Ely's Library*.

See *Augmentations*.

REGISTERS of the tenures, cuſtoms, &c. of hundreds, temp. *Ea.* I. See *Hundred Rolls*.

RELIGIOUS HOUSES.

LEIDGER Books of ſeveral religious houſes,—at the *King's Remembrancer's Office*.

SOME—at *Greſham College*.

ORIGINAL charters of ſeveral religious houſes,—in lord *Oxford's Library*.

SURRENDERS of religious houſes,—at the *Augmentation Office*, and *Chapter Houſe*.

BOOKS of charters, and confirmations of grants to ſeveral religious houſes in *Norfolk*,—in the biſhop of *Ely's Library*.

OLD regiſter books of *Godſtow*, *Whitby*, *Eveſham*, *Newport Pagnel*, St. *Neots*, and the priory of *Coln*—in the duke of *Kent's Library*.

REGISTER of the abbey of *Fountains*,—in the earl of *Denbigh's Library*.

FOUNDATIONS of religious houſes—at the *Tower*.

CONFIRMATION of charters, grants, &c. to religious houſes. See *Confirmation Rolls*.

REPORTS of viſitors of religious houſes,—at the *Chapter Houſe*.

See *Abbies*, *Accounts*, *Lands*, *Leaſes*, *Monaſteries*, *Surveys*.

RENTALS.

OF ſundry lands,—at the *Chapter Houſe*.

SEVERAL,—at the *Augmentation Office*.

OF the abbey of St. *Auguſtine's*. See *Abbies*.

RENTS.

PARTICULARS for the ſale of fee-farm rents, in the time of the Civil Wars,—at the *Augmentation Office*.

REPORTS of

MASTERS in Chancery. See *Chancery*.

VISITORS of religious houſes, temp. *H.* VIII. —at the *Chapter Houſe*.

REQUESTS.

THE court of requeſts was a court of equity of the ſame name as the court of Chancery now is, the lord privy ſeal being chief judge of it. It was erected about 9 *H.* VII. *An.* 1495, and aboliſhed by act of parliament, 17 *Ch.* I. *An.* 1641.

THE proceedings of this court—at the *Chapter Houſe*.

RESCUES.

RETURNS of reſcues. See *King's-Bench*.

RESTITUTIONS. See *Attainders*.

RESUMPTION.

Act of reſumption. See *Parliament Rolls*.

See *Attainders*.

RETURNS
To Parliament. See *Parliament.*

REVENUES.
ACCOUNTS of revenues of the Crown. See *Accounts.*
ACCOUNTS of revenues of colleges, in the Univerſities, in two books,—at the *Augmentation Office.*

ROBES.
ACCOUNTS of the maſter of the robes. See *Accounts.*

ROLLS.
Of aſſize, &c. See *Aſſize Rolls*, &c.

ROMAN ROLLS.
FROM 34 *Ed.* I. *An.* 1305, to the end of *Ed.* IV. *An.* 1483.—at the *Tower.*

ROTULI COMPOTORUM. See *Pipe Rolls.*

SCHOOLS.
FOUNDATIONS of ſchools. See *Foundations.*

SCIRE FACIAS.
JUDGMENTS on Scire Facias. See *Judgments.*
See *Memoranda*, *King's-Bench*, *Chancery.*

SCOTCH NOBILITY.
HOMAGE done by the *Scotch* nobility to *Ed.* I. See *Homage.*

SCOTCH ROLLS.
FROM 19 *Ed.* I. *An.* 1290, to the end of *Ed.* IV. *An.* 1483.—at the *Tower.*
See *Ayloffe's* calendars of ancient charters, &c. Bib. Leg. Ang. P. I. *tit.* RECORDS.

SCOTLAND.

TREATIES and tranſactions with *Scotland*, from 1 *R.* I. *An.* 1189, to 29 *Eliz. An.* 1586, (among which are the rolls of the petitions, pleadings, and proceſs in the cauſe of *Robert de Brus*, and other competitors for the Crown of *Scotland*, in the 19th and 20th years of *Ed.* I.)—at the *Chapter Houſe*.

SEALS. See *Privy Seals*.

SEISINS. See *Common Pleas*.

SEIZURES.

INFORMATIONS on ſeizures. See *Memoranda*.

SERJEANTS at LAW.

WRITS for calling them, from 9 *Ch.* I. *An.* 1633, to the preſent time—at the *Petty Bag Office*.

SERJEANTY.

LANDS held in grand and petit ſerjeanty. See *Teſta de Nevil*.

SEWERS.

LAWS and adjudications of ſewers, in the reigns of *Ja.* I. *Ch.* I. and *Ch.* II. and ſome few years ſince that time,—at the *Petty Bag Office*.

COMMISSIONS of ſewers. See *Patent Rolls*.

SHERIFFS.

PROFERS. See *Memoranda*.

RETURNS of the names of villages. See *Nomina Villarum*.

SIGNET BILLS.

IN the reign of *R.* II. and from thence to the end of the reign of *Ed.* IV. *An.* 1483,—at the *Tower*.

SIGN

SIGN MANUALS.

IN the reign of *H.* VI. and *Ed.* IV.—at the *Tower.*

FROM *R.* III. to the end of the reign of *W.* III. *An.* 1702, are moſtly—at the *Rolls.*

SOME in the reigns of *H.* VII. *H.* VIII. *Ph.* and *Ma.* and Queen *Eliz.*—at the *Chapter Houſe.*

SOME in the reigns of *Ja.* I. and *Ch.* I.—at the *Tower.* See *Memoranda.*

SOUTHWARK.

CARTA de Southwark, ad Civit. Lond.

DE Officio Eſcheatoris in Suthwark. *Cotton Lib.* Fauſt. B. 1.

SPAIN.

TREATIES and tranſactions with *Spain.*

From 8 *H.* VII. *An.* 1492, to 3 *Ja.* I. *An.* 1605, —at the *Chapter Houſe.*

SPIRITUALITIES.

TAXATION of the ſpiritualities in the province of *York.* See *Taxation.*

SPIRITUAL PROMOTIONS.

VALUATION of ſpiritual promotions,—at the *Firſt Fruits Office.*

See *Surveys.*

STAR CHAMBER.

THIS court was erected by act of parliament 3 *H.* VII. *An.* 1487, and diſſolved by act 17 *Ch.* I. *An.* 1641.

THE bills, anſwers, depoſitions, and other proceedings in this court, from 3 *H.* VII. to the reign of *Ch.* I. incluſive,—at the *Chapter Houſe.*

THE

THE decrees of this court are not at preſent any where to be found.

CAMERA STELLATA, or an explanation of the moſt famous and woorthie courte in Chriſtendome, with the offences there puniſhable; together with the fees and orders for proceedings: *with ſev ral other treaties concerning this court.* Harl. MSS. n. 736.

See alſo *Hudſon's* Treatiſe of the Court of Star Chamber Bibl. Leg. Ang. P. I. *tit.* COURTS.

STATE ROLLS. See *Treaty Rolls.*

STATUTA WALLIÆ.
See *Welch Rolls.*

STATUTE ROLLS.

FROM 6 *Ed.* I. *An.* 1277, to *Ed.* IV. *An.* 1468, —at the *Tower.*

ONE roll containing the ſtatutes made at *Wincheſter*, 13 *Ed.* I. *An.* 1285,—at the *Receipt of the Exchequer.*

FROM *Hen.* VII. to the preſent time,—at the *Parliament Office.*

See *Statutes.*

STATUTES.

A BOOK of the ſtatutes of *Ed.* III. and other things, with the prerogative,—at the *King's Remembrancer's Office.*

STATUTES.

A BOOK of ſtatutes from 1 *Ed.* III. *An.* 1327, to 39 *H.* VI. *An.* 1460,

A BOOK of ſtatutes, temp. *H.* VI. and thence to part of the reign of H. VIII.—at the *King's Remembrancer's Office.*

STA-

STATUTES of collegiate churches and colleges, *viz.* of *Hereford*, *Windſor*, *Canterbury*, *Magdalen College* in *Oxford*, *Durham*, *Wells*, *Cheſter*, and *Exeter*, &c.—in lord *Oxford*'s *Library*.

SEVERAL in *Corpus Chriſti College*—at *Cambridge*.

AN exact collection or catalogue of all ſuch acts of parliament, public and private, as have at ſundry times either been delivered to the clerk of the parliament, or elſe removed by writ of certiorari into the chapel of the Rolls from 1 *Ric.* III. to the laſt year of *James* I. remaining of record inrolled in the chapel aforeſaid, and entered here *in ordine* according to the roll there. *Harl.* MSS. n. 1306.

OBSERVATIONS on many old ſtatutes, wherein the differences between the records and the printed books are noted. Theſe begin 15 *Ed.* III. and conclude with 21 *Hen.* VI. *Harl.* MSS. n. 1574. 3.

COLLECTION of private acts, temp. *H.* VIII. and *Ch.* I. *Harl.* MSS. 7089.

A Report of ſuch laws as are repealed and expired; as are fit to be repealed abſolutely, or to be repealed and new laws made in their ſtead; drawn up by order of
about the time of *James* I. Alſo the ſubſtance reduced into a ſcheme or table. *Harl.* MSS. n. 244.

DEVISE to have ſpecial laws put in execution, by lord keeper Sir *N. Bacon*, amended by lord Burleigh. *Ib.* n. 249. 1.

STA-

STATUTE STAPLE.

EXTENTS, re-extents, and other proceedings on the ſtatute ſtaple

A few in the reign of *Ja.* I. and from the beginning of *Ch.* I. *An.* 1625, to this time,—at the *Petty Bag Office.*

STEWARD.

LORD ſteward's orders relating to the king's ſervants, &c.—at the *Board of Green Cloth.*

SUBSIDIES.

A BOOK of ſubſidies and knights fees, temp. *H.* VI.—at the *King's Remembrancer's Office.*

See *Aids.*

See *Foreign Accounts.*

See *Accounts.*

SUMMONS.

See *Common Pleas.*

TO PARLIAMENT. See *Parliament.*

SUPREMACY.

INSTRUMENTS of divers biſhops and the Univerſity of *Cambridge*, acknowledging king *Henry* VIII's ſupremacy, and other matters relating to the ſuppreſſing the Pope's ſupremacy,—at the *Chapter Houſe.*

SEVERAL books for and againſt the Pope's ſupremacy, and articles deviſed by the archbiſhop of *York*, concerning the title of *Supreme Head*, in the reign of *H.* VIII—at the *Chapter Houſe.*

SURRENDERS of

YORK-HOUSE, St. *Albans*, and other lands, by Cardinal *Wolſey*,—at the *Chapter Houſe.*

THE

THE ſurrenders of the religious houſes are inrolled on the back of the Claus Rolls,—at the *Rolls Chapel.*

SURVEYS of

LANDS, manors, &c. See *Domeſday.*

LANDS and manors formerly poſſeſſed by the Crown.

SOME,—at the *Auditors of the Land Revenue.*

SOME,—at the *Receipt of the Exchequer.*

SOME,—at the *Chapter Houſe.*

SEVERAL temp. *Eliz.*—at the *King's Remembrancer's Office.*

EDWARD duke of *Buckingham's* lands, temp. *H.* VIII.—at the *Chapter Houſe.*

See *Lands.*

See *Accounts.*

ECCLESIASTICAL Benefices. See *Benefices.*

HONORS within the dutchy of *Lancaſter.* See *Dutchy.*

ARCHBISHOPRICKS,

BISHOPRICKS,

ABBACIES,

MONASTERIES,

PRIORIES,

COLLEGES,

HOSPITALS,

ARCHDEACONRIES,

DEANERIES,

PROVOSTSHIPS,

PREBENDS,

PARSONAGES,

VICARAGES,

CHANTRIES,

FREE CHAPELS, &c. and other *Dignities, Benefices, Offices*, or *Promotions Spiritual*, within this realm, taken by virtue of commiſſions of *H.* VIII. according to an act of parliament made in the 26th year of his reign, *An.* 1535,—at the *Firſt Fruits Office.*

THE poſſeſſions of king *Ch.* I. taken in 1649 and 1650,—at the *Augmentation Office.*

SURVEYS and cuſtoms of the manors of *Weſtham*, and *Playes* in *Eſſex*,—in the biſhop of *Ely's Library.*

CERTIFICATES of commiſſioners appointed to ſurvey and value ſuch abbies and monaſteries as were under the yearly value of 200 *l. An.* 28 *H.* VIII.—at the *Chapter Houſe.*

THE priory of *Worſping*,—at the *Chapter Houſe.*

COMMISSIONS for ſurveying religious houſes,—at the *Chapter Houſe.*

SWAINMOTE or SWAINIMOTE COURT.

THIS is a court incident to foreſts, and relating to matters of the foreſts, of which the verderors are judges. See *Foreſts.*

TAXATION ROLLS.

OF the value of all the churches in 20 *Ed.* I. *An.* 1291,—at the *Tower.*

A BOOK of the taxation of the ſpiritualities in the province of *York*,—at the *King's Remembrancer's Office.*

TAXES.

TAXES.

DUPLICATES of land and window taxes in bags called *Bags of Particulars*,—at the *King's Remembrancer's Office.*

ACCOUNTS of receivers general of land tax,.

ACCOUNTS of receivers of duties on houſes,—at the *King's Remembrancer's Office.*

PROCESS againſt collectors and receivers of taxes—at the *King's Remembrancer's Office.*

TENANTS per Baroniam. See *Red Book.*

TENURES.

AN ancient book of tenures in *Warwickſhire* and *Coventry*,—at the *King's Remembrancer's Office.*

OF hundreds. See *Hundred Rolls.*

See *Memoranda.*

BOOKS of old tenures in *Dorſetſhire* and *Berks*, and of ſeveral manors in *Norfolk*,—in the biſhop of *Ely's Library.*

A BOOK of tenures of all the monaſteries, priories, abbies, colleges, chantries, hoſpitals, caſtles, honours, lordſhips, manors, &c. held of the queen *in capite*, in the county of *Glouceſter*, *An.* 18 *Eliz.*—at the *Receipt of the Exchequer.*

TESTA DE NEVIL, or TESTA NEVELLI.

At the *King's Remembrancer's Office.* V. ante ſub reg. *Hen.* III.

TEXTUS ROFFENSIS.

V. *ante ſub reg.* Hen. III.

TIN-WORKS.

COVENANTS with the Commoners for the tin-

works of *Devon* and *Cornwall*, 14 *H.* VIII. *An.* 1522,—at the *Chapter Houſe.*

TOWER of LONDON.

Conſtabularii Turris London. *Harl.* MSS. n. 6166. 32.

QUOD Conſtabular. Turris Lond. non faciat priſas de Victual. vel aliis rebus Civit. London.—*Cotton Lib.* Fauſt. B. I.

TRAVERSES. See *Forfeited Eſtates.*

TREASONS.

A BAG intitled *Treaſons*, containing papers relating to the inſurrections in *Yorkſhire*, *Lincolnſhire*, and the duke of *Richmond's* matters in the *North.* temp. *H.* VIII.—at the *Chapter Houſe.*

TREASURER of the chamber. See *Accounts.*

OF the navy. See *Accounts.*

TREASURERS.

INDENTURES of the lord treaſurers,—at the *Chapter Houſe.*

TREATIES and TRANSACTIONS with Arragon, &c. See *Arragon*, &c.

TREATIES and FOREIGN TRANSACTIONS.

OF late date,—at the *Paper Office.*

OF peace and commerce, ſeveral, by *H.* VI. *Ed.* IV. *H.* VII. *H.* VIII. *Ed.* VI. Q. *Mary* and Q. *Eliz.*—in the earl of *Suſſex's Library.*

TREATY ROLLS.

CONTAINING the powers given to commiſſioners to treat with foreign ſtates, and the proceedings in conſequence thereof. Theſe are called *State Rolls* and *Foreign Rolls.*

FROM

FROM the reign of king *John* to the end of *Ed.* IV. *An.* 1483,—at the *Tower*.

FROM 1483 to 17 *James* I. *An.* 1619—at the *Rolls*.

FROM 1619 to the preſent times,—in cuſtody of the *Prothonotary of the Court of Chancery*.

See *French Rolls*, *Norman Rolls*, *Roman Rolls*, *Scotch Rolls*, *Vaſcon Rolls*, *Welch Rolls*.

VALUATION of

BISHOPRICKS and ſpiritual promotions,—at the *Firſt Fruits Office*.

SUCH abbies and monaſteries as were under 200 *l.* 28 *H.* VIII. See *Surveys*.

VASCON ROLLS.

FROM 26 *H.* III. *An.* 1241, to the end of the reign of *R.* III. *An.* 1485,—at the *Tower*. V. Bib. Leg. Ang. P. I. *tit.* RECORDS,

VENIRES. See *Common Pleas*.

VERDERORS.

WRITS for electing verderors. See *Foreſt*.

VICARAGES.

SURVEYS of vicarages. See *Surveys*.

VICTUALLER of the navy. See *Accounts*.

VILLAGES.

SHERIFFS returns of all the villages. See *Nomina Villarum*.

VISITATIONS

OF the kings at arms through all the counties of *England*,—at the *Herald's Office*.

SEVERAL,—in lord *Oxford's Library*.

OF religious houſes,—at the *Chapter Houſe*.

UNIVERSITIES.

ACCOUNTS of revenues belonging to the colleges in the two Univerſities,—at the *Augmentation Office*,

COPIES of charters, privileges, and ſtatutes of the ſeveral Colleges and Univerſities in *England*, are in the *Cotton Library*.

WALES.

MATTERS relating to *Wales*. See *Welch Rolls*.

CODEX excerptorum & collectaneorum ex variis libris antiquis & archivis regis de ſtatu Walliæ et ducatu Cornubiæ. *Cotton Lib.* Vitell. C. 10.

TRANSCRIPTA Chartarum quarundam pro primogenitis regum Angliæ. *King's Library*. *Caſley's Cat.* 18 A. LXXVII.

WARRANTS under the ſign manual. See *Memoranda*.

WARDROBE.

ACCOUNTS of the wardrobe. See *Pipe Rolls*.

SOME,—at the *Chapter Houſe*.

SOME,—at the lord *Oxford's Library*.

See *Accounts*.

WARDS and LIVERIES.

THE court of wards and liveries was erected the 32 *H*, VIII. *An.* 1540, and aboliſhed 12 *Ch.* I. *An.* 1636.

THE proceedings in this court, with ſeveral books of the decrees, orders, extent and value of lands, leaſes, &c.—at the *Chapter Houſe*.

ELEVEN bags of the certificates of feodaries of this court, of the offices taken on the death of the king's tenants, containing the particulars of their poſſeſſions.

A CALENDAR of the ſaid certificates, containing the names of the lands, each county ſeparate.

TWO CALENDARS, containing the names of lands and manors, collected into their ſeveral counties, from 13 large books of ſpecial liveries, in the reigns of *H.* VIII. *Ed.* VI. *Mary*, *Eliz.* and *Ja.* I.

INDEX of the ſame names, alphabetically collected into diſtinct counties.

ALPHABETICAL index of the names of perſons ſuing out their liveries, contained in the ſaid 13 books of liveries.

A CALENDAR of names of lands mentioned in 5 books of decrees, as they occur in the books.

ANOTHER, digeſted into their ſeveral counties.

ANOTHER, referring to other books of decrees, in the reigns of *Eliz.* *Ja.* I. and *Ch.* I.

A CALENDAR in alphabetical order, of all perſons after whoſe death any office has been found, from the firſt erecting of this court, to the time of ſuppreſſing it, *An.* 1636, which refers to the bundles of tranſcripts of Inquiſitiones poſt Mortem. See *Inquiſitiones poſt Mortem.*

SEVERAL *other Calendars*,—were in the hands of the late Mr. *Charles Grymes* of *Gray's Inn*, and now in the poſſeſſion of his executors.

COL-

COLLECTIONS from the records of the court of wards and liveries, by Thomas Cole, with Indexes, MS.. *Hart.* MSS. n. 756. *See alſo* n. 1323. 19. 1727.

INSTRUCTIONS of king *James* for the maſter of his wards and liveries, for the better authorizing and directing him in the execution of his office, and performance of his ſervice. *Ib.*

TREATISE concerning the practice of the court of wards and liveries, by W. R. ſerjeant at law. and perhaps by others. *Ib.* 1323. 19.

GRANTS of wardſhips. See *Patent Rolls.*

SPECIAL LIVERIES. See *Patent Rolls.*

WELCH ROLLS.

FROM 5 *Ed.* I. *An.* 1276, to 24 *Ed.* I. *An.* 1295,—at the *Tower.*

A ROLL, containing extracts out of the patent rolls and cloſe rolls, of matters relating to *Wales*, from 1 *H.* III. *An.* 1216, to 27 *H.* III. *An.* 1252. And

TWO ROLLS containing the *Statuta Walliæ*, made in 12 *Ed.* I. *An.* 1284—at the *Receipt of the Exchequer.*

WESTMINSTER.

A BOOK covered with velvet, emboſſed with with ſilver gilt, touching the foundation of *Weſtminſter* chapel, by *H.* VII. And

SEVERAL books indented, covered with blue velvet, containing the agreements between *H.* VII. and *Iſlep* abbot of *Weſtminſter*, concerning maſſes, dirges, obſequies, &c.

and

and annual penſions given for them,—at the *Chapter Houſe*.

COUNTERPARTS of the ſaid laſt mentioned book,—in a *Treaſury of Records* belonging to the *Dean* and *Chapter*, in *Weſtminſter Abbey*, over the Eaſt Cloyſter.

CHARTULARIES of *Weſtminſter Abbey*, and charters granted to the *Dean* and *Chapter*, by *H.* VIII. and Q. *Eliz.*—in the biſhop of *Ely's Library*.

SULCARDUS's chartulary of the Abbey of *Weſtminſter*. V. *ante ſub reg.* Will. I.

A PAPER book, 4to. being a regiſter book of the burgeſſes and aſſiſtants of the city and borough of *Weſtminſter*, under the act 27 *Eliz.* *Harl.* MSS. n. 1831.

WILLS.

OF *R.* II. *H.* V. *H.* VII. and *H.* VIII.—at the *Chapter Houſe*.

WINCHESTER.

STATUTES made at *Wincheſter*. See *Statute Rolls*.

WORKS.

ACCOUNTS of the paymaſter of the works. See *Accounts*.

WRIT BOOKS.

Of the court of Exchequer, containing entries of *Quo Minus's* and the *Daily Iſſue*. See *Pleas*.

WRITS.

A ROLL or regiſter of writs about the year 1240, or the middle of the reign of *H.* III. and writs of every ſpecies, from the begin-

ning of the reign of *Ed.* I. *An.* 1272, to the Revolution, *An.* 1688,—at the *Chapter Houſe.*

FROM 1688, to the preſent time. They are moſtly—at the *Cuſtos Brevium's Office.*

BREVIA Regia.

DEDIMUS to ſwear officers.

WRITS for calling ſerjeants at law,—from 9 *Ch.* I. *An.* 1633, to the preſent time,—at the *Petty Bag Office.*

OF ERROR, &c. See *Error*, &c.

A List of the ſeveral Offices and Places where the Records are kept.

CHANCERY.

THE Tower.

The Rolls,

Six Clerks Office.

Petty Bag Office, near the Rolls Chapel.

Inrollment Office, under *the Six Clerks Office* — *Chancery-lane.*

Prothonotary's Office in Chancery, in *Middle-Temple-lane.*

Clerk of the Crown in Chancery, in *Clifford's-Inn, Fleet-ſtreet.*

Alienation Office, in the *King's-Bench-Walks* in the *Temple.*

KING's BENCH.

King's-Bench Office, in *King's-Bench-Walks* in the *Temple.*

King's-Bench Treaſury, in *Weſtminſter-Hall.*

Cuſtos Brevium's Office, in *King's-Bench Office.*

Crown Office, in the *King's-Bench-Walks* in the *Temple.*

COMMON PLEAS.

Common Pleas Treaſury, in *Weſtminſter-Hall*, under the *Court of Exchequer.*

Cuſtos Brevium's Office, in *Brick-Court* in the *Temple*.

Clerk of the Treaſury's Office, in the *Inner Temple*.

EXCHEQUER.

Court of Exchequer, adjoining to *Weſtminſter-Hall*.

Receipt of the Exchequer (commonly called the *Tally Court*), near *Weſtminſter-Hall*.

Office of Pleas, at *Lincoln's-Inn*, and a room behind the *Court of Exchequer* at *Weſtminſter*.

Pipe Office, *Somerſet-place*.

Leaſe Office, in *Gray's-Inn*.

King's Remembrancer's Office, in the *King's-Bench Walks* in the *Temple*, and ſome rooms near *Weſtminſter-Hall*.

Treaſurer's Remembrancer's Office, in the *King's-Bench-Walks*, and near the *Court of Exchequer* at *Weſtminſter*.

Auditors of the Land Revenue, adjoining to the *Exchequer* in *New Palace-yard*, *Weſtminſter*.

Firſt Fruits Office, in the *Middle Temple*.

Augmentation Office, in St. *Margaret's-lane*, near *New Palace-yard*, *Weſtminſter*.

Clerk of the Council of the Dutchy Court of *Lancaſter*, at *Gray's-Inn*.

Parliament Office, in *Old Palace yard*, *Weſtminſter*.

Chapter Houſe, in the Eaſt Cloyſter by *Weſtminſter-Abbey*.

Council

Council Chamber, at the *Cockpit*, *Whitehall*.
State Paper Office, in *Scotland-yard*, near *Whitehall*.
Green Cloth, at St. *James's*.

Royal Library *, in the *Muſeum*.
Cottonian Library, in the *Muſeum*.
Biſhop of *Ely's* Library was purchaſed by his late Majeſty, and given to the Univerſity of *Cambridge*.
Lord *Oxford's* Library, uſually called the *Harleian* Collection, in the *Muſeum*.
Duke of *Kent's* Library, St. *James's-ſquare*.
Earl of *Suſſex's* Library, formerly at *Marybone* †.
Earl of *Denbeigh's* Library, *Twickenham*.
Lord *Hale's* Manuſcripts, in *Lincoln's-Inn* Library.

Several other Collections, containing Copies of Records and Papers relating to Matters of a public Nature, are mentioned BIBL. LEG. ANG. P. I. *tit.* RECORDS.

* This library, conſiſting chiefly of MSS. collected by John Leland after the diſſolution of the religious houſes, was founded by king Hen. VIII. and being afterwards conſiderably augmented by his ſucceſſors, was depoſited in the Britiſh Muſeum by king Geo. II. It is commonly known by the diſtinction of the King's Library, of which Mr. David Caſley publiſhed an accurate catalogue, 4to. 1734.

† This Collection, uſually entitled the *Yelverton* library, has lately been diſperſed by public ſale. *See* Yelverton MSS. BIBL. LEG. ANG. P. I. *tit.* RECORDS.

VI. OF

VI. Of the STATUTES; the ſeveral Collections and Editions of them.

THE collections that have been made of our written laws (uſually diſtinguiſhed by the title of Statutes) are very numerous, of which the more antient, though neceſſarily ſuperſeded in uſe by the modern editions, are deſerving notice, as in ſome inſtances containing more correct copies of laws now loſt from among the records *, as alſo on account of others, which, though now conſidered as obſolete, or which from other circumſtances have been expunged from the ſtatute book, are highly intereſting to the hiſtorian and to the lawyer.

It is however certain, that the more early collectors of our antient ſtatute law have amaſſed together, under the title of Statutes, a number of proclamations, writs, &c. which have not any pretenſions to that degree of authority, but which have, from the circumſtance of being ſo collected, obtained that denomination, ſeveral inſtances of which, as obſerved by learned authors on this ſubject, are noticed in the foregoing enumeration of our laws of the reigns immediately ſubſequent to the granting of Magna Charta.

Theſe collections are alſo very defective in arrangement of the materials of which they conſiſt, the order of the ſeveral kings reigns being wholly diſregarded, and in other reſpects they appear to have been made by perſons who were not properly authoriſed, or not ſufficiently qualified for the undertaking.

* V. Nicolſon's Hiſt. Lib. concerning 37 Ed. III. c. 19. edit. 1714. p. 189.

The

The firſt collection of this kind that we find to have been printed, is that of *R. Pinſon*, A. D. 1514, entitled *Magna Carta*, with other old ſtatutes, diſtinguiſhed by the title of *Antiqua Statuta*, being prior to the reign of *Edw.* III. which was ſeveral times reprinted by him, but it does not appear by whom the collection itſelf was made, having probably been printed from ſome manuſcript of ſtill earlier date. The ſame collection ſeems to have been printed by *Redman* and *Berthelet*, with the progreſſive additions of ſuch other old laws as came to their hands *; and, in 1556, two diſtinct editions of a more enlarged collection were publiſhed by two different printers, *T. Marſh*, and *R. Tottel*, betwixt whom there appears, from the title pages of their reſpective editions, to have been a competition for preference, the former having choſen for a motto to his book, "Firſt "prove, and then reprove;" the latter, "Con-"ferre, and then preferre," alluding, as it ſeems, to the merits of their reſpective books. On a compariſon it appears, that the firſt mentioned is the better printed, but that *Tottel's* edition is the more enlarged one †.

It is obſervable, however, that in the ſubſequent editions printed by *R. Tottel*, 1576, &c. many of the older ſtatutes, ordinances, &c. contained

* About the ſame time a nranſlation was made of theſe older ſtatutes by George Ferrerz, barriſter at law, of Lincoln's-Inn, whoſe tranſlation is adopted generally by all the ſubſequent editors of the ſtatutes. V. Bibl. Leg. Ang. P. I. tit. Statutes.

† This edition entitled *Magna Charta cum ſtatutis quæ antiqua vocantur, &c.* is the book quoted by lord Coke in his Inſtitutes, under the title of *Vetus Magna Carta*, the references to which apply to no other edition.

in

in the edit. 1556 are omitted, and others of a more recent date are added. Theſe latter publications ſeem to have formed the foundation of the ſubſequent editions of the ſtatutes; the more antient ſtatutes above mentioned, as omitted, having been alſo uniformly left out of all the ſucceſſive editions of the ſtatute book, till they were, for the moſt part, reſtored to a place in it by Mr. *Cay*, and the ſubſequent editors of thoſe collections.

The collection of the ſtatutes from the firſt of Edw. III. uſually entitled in the older MS. copies *Nova Statuta*, were publiſhed more than once in the reign of Edw. IV. and again by *Pinſon* under that title, about 1497, being brought down to 12 Hen. VII. from the firſt year of whoſe reign the ſtatutes began to be originally written in Engliſh. From about this period, to the preſent time, it appears that the public acts have generally been publiſhed within a ſhort time after the cloſe of each Seſſion of parliament. The diviſion of private acts from thoſe of a public nature firſt took place 1 *Ric.* III. the purport of the act * entitled *Titulus Regius*, &c †. which introduced that diſtinction, being very remarkable. Of theſe acts there is no regular collection extant in print, but they have for the moſt part been printed on occaſion as they have reſpectively paſſed in parliament, under the direction of the parties more

* It is obſerved of this ſtatute, that the pretenſions therein ſet forth, being of too foul a nature for general publication, it was therefore never printed, but was entered upon the ſtatute roll after the public acts of parliament. *Cay's Pref. to Stat.*

† This act, as well as all others of this diſtinction, is omitted in all editions of the ſtatutes, but it is extant in print in Cotton's libr. of the Records, 710.

diately concerned in them. Of late years it has been found further neceſſary to adopt another diſtinction, by which acts, merely of local concern, are ſeparated from thoſe of a general nature, and which alſo are not printed in the common editions of the ſtatute book. This diſtinction firſt took place 26 Geo. II. *

Several general collections of the ſtatutes, including the *Antiqua* and *Nova Statuta*, were made in the reigns of Hen. VIII. and Q. Eliz. printed by *Berthelet*, *Wykes*, and the reſpective printers by royal authority: but the firſt regular edition of the ſtatutes is that uſually diſtinguiſhed by the name of *Raſtell* †, which includes the ſtatutes to 5th Philip and Mary, and is further continued by a ſecond volume to 7 Jac. I. in which edition generally all the ſtatutes, at that time known to be extant, are printed at large in Engliſh, with an alphabetical index at the end of each volume.

The next edition, which appears to have been printed the ſame year as the ſecond volume above-mentioned, was compiled by *Ferdinando Puſton*, who informs us, that he collated the ſta-

* Beſides the diviſions of public acts, private acts, and acts of a public nature, as above-mentioned, another diſtinction is made by the courts of law of thoſe, commonly printed among the public acts, into general and particular, many inſtances of which occur in the books of Reports, but which are for the moſt part unnoticed in all the editions of the ſtatutes at large. V. *Hobart*, 227. *Hale's Com. Law.* 13.

† It is not evident on what authority this edition has been aſcribed to Raſtell, his name not appearing in any part of the book. There is alſo another book, ſometimes entitled "Raſtell's Statutes," of which many editions were printed, the title whereof runs, "A Collection of all ſuch Statutes," &c. but which may properly be conſidered as an abridgment, ſome part of the ſtatutes being omitted, and the whole collection thrown under diſtinct titles.

tutes from 9 Hen. III. to 1 Ric. III. by the records *; and herein the titles only of the expired and repealed ſtatutes are inſerted, but in which are recited ſeveral antient ſtatutes and ordinances not before tranſlated, with the addition of references from one ſtatute to another, and to ſuch books of authority as contain determinations upon, or illuſtrations of, any particular ſtatute; theſe references, with the addition of others to the like purpoſe, have been adopted by all the ſubſequent editors of the ſtatutes. This edition was ſeveral times reprinted; and as a ſupplement thereto, was publiſhed, a Collection of the ſtatutes from 16 Car. I. to 19 Car. II. another collection of the ſame period having been publiſhed by Mr. *Manby*.

A collection of the acts from the ſame year, and of the more general ordinances in parliament, during the time of the Commonwealth, was alſo compiled by *Henry Scobel*, clerk of the parliament, the latter part of which collection conſiſting of the ordinances is not comprehended in any ſubſequent edition of the ſtatutes.

A few years after [A. D. 1676], Mr. *Keble* publiſhed a collection of the ſtatutes of 16 Car. I. and from 12 to 27 Car. II. as a ſupplement to the before-mentioned edition of *Pulton*; and having, as appears by his preface, beſtowed great pains in the reviſal of the ſtatute law, he, at the ſame time, publiſhed a complete edition to that period, in which are united moſt of the advantages and

* It appears, that Pulton had obtained an order for acceſs to the records in the Tower for this purpoſe; a copy of which is extant among Mr. Madox's MSS. in the Muſeum. V. Ayſcough's Catal. of MSS. in the Muſeum, V. I. p. 261.

improve-

improvements of the foregoing editions: Mr. *Keble* further examined, with the originals, the ſtatutes ſubſequent to 1 Ric. III. having alſo firſt adopted the diſtinction of paragraphs or ſections by numbers, and added a more copious index than had before appeared. This edition was ſeveral times printed; and, with theſe advantages and the neceſſary additions, the ſtatutes were reprinted at the beginning of the preſent century, which republication was afterwards occaſionally continued by four other volumes to the 7th Geo. II. inclusive.

At this period Mr. *Serjant Hawkins* produced a ſtill more correct and complete collection of the ſtatute law, having, with the aſſiſtance of Mr. *Brooke* of the Inner Temple (who it appears had beſtowed much time and attention in the undertaking), collated the original records to 2 Geo. II. towards which purpoſe his majeſty king Geo. I. had granted his ſign manual for acceſs to the public offices; in which edition the more antient ſtatutes are given in their original language from the records in the Tower, and, where they were not found upon record there, from lord Coke, and the beſt authorities extant, with a tranſlation chiefly adopted from the one made *temp. Hen.* VIII. and the addition from authentic records of ſeveral old ſtatutes not before printed. This edition, conſiſting originally of ſix volumes, was alſo further continued by three ſupplemental volumes, bringing down the collection to 30 Geo. II. 1758.

At this latter period, Mr. *Coy*, availing himſelf of the induſtry of his predeceſſors in this office, and ſurpaſſing them in care and accuracy, gave to the public the moſt correct, elegant, and

complete body of our ſtatute law to this period hitherto extant; the accuracy of which edition has been recogniſed by thoſe whoſe extenſive learning, and more frequent occaſions of conſulting this work, entitle them to be conſidered as the beſt authorities on this head. In this edition were reſtored ſome of the antient laws, ordinances, &c. which had been formerly publiſhed in the older collections (as before-mentioned), but which had been omitted by later editors. This collection was continued progreſſively by three other volumes, including the ſtatutes down to the 13th Geo. III.

The conſiderable additions that had been made to the ſtatute book, during the preceding reign, made it a deſirable object to thoſe more immediately engaged in the uſe of it, that it ſhould be compreſſed into as ſmall compaſs as a conſiſtent attention to the importance of the ſubject would conveniently admit of, This conſideration induced the late Mr. *Danby Pickering* to undertake the republication of the ſtatutes in a ſmaller form than had before taken place; and he accordingly publiſhed from the Cambridge preſs, an edition of them down to the firſt year of the preſent reign, in 24 vols. octavo, including an index, having firſt laid aſide the uſe of the old engliſh black letter, which had been formerly thought neceſſary in the authentic printing of law-books, and adopted the modern roman letter. A few additional acts were in this edition reſtored to their proper rank, with the further improvement of ſome marginal notes of corrections and references to authorities illuſtrative of particular ſtatutes. This edition has been ſince regularly continued at the cloſe of each

each ſeſſion, and now conſiſts of 35 entire volumes, the ſtatutes of laſt ſeſſion (27 Geo. III.), forming a part of the 36th volume.

The like deſign of reducing the Statute-book to a more convenient form was undertaken by Mr. *Ruffhead*, who, about the ſame time, publiſhed his edition in 9 vols. 4to. comprizing the ſtatutes to the 4th year of the preſent reign, accompanied with an index to that time, and a preface containing ſome obſervations on the ſtate of our printed ſtatute law. In this edition all the ſtatutes, added to the before-mentioned editions, are contained, with the addition of a conſiderable number which had never before been printed; and of ſuch notes and references to authorities as were judged neceſſary by the editor for the illuſtration of each ſtatute. This edition has been alſo regularly continued to the 25th year of his preſent majeſty, making five additional volumes.

The rapid increaſe and accumulation of our ſtatute laws during the preſent reign, which, as may be above obſerved, form a very conſiderable part of the whole volume of the ſtatute-book, rendered it very deſirable, towards the convenient uſe of it, that it ſhould be further reduced into a ſmaller compaſs by the expunging of ſuch ſtatutes as, from a variety of circumſtances during the courſe of the preſent reign, have become expired, or repealed, or of which the ſubjects are now no longer the immediate concern of the Engliſh lawyer. This reduction has been made in an edition lately publiſhed by Mr. *Serjeant Runnington*, who has not confined himſelf to the abovementioned objects, but has added occaſional notes and ſome further references which the deciſions of the courts

courts had made neceſſary ſince the publication of Mr. *Kuffhead's* edition, and ſuch others as have relation to ſubſequent acts of parliament. This edition, which alſo contains the ſtatutes down to 25 Geo. III. conſiſts of 10 vols. quarto, including an enlarged index. It has been further continued by two publications of the ſtatutes, 26 and 27 Geo. III. and is intended to be regularly continued in future, ſhortly after the cloſe of each ſeſſion of parliament.

Having thus taken a review of the ſeveral ſucceſſive collections of our ſtatute law, it is now propoſed to make a few general obſervations on the actual ſtate of our printed ſtatute-book, which, notwithſtanding the accumulated labours and induſtry of ſo many learned editors, it is preſumed, falls ſhort of that degree of correctneſs and perfection which is indiſputably deſirable in an object of ſo general and national concern.

In purſuing this ſubject, it may be neceſſary to obſerve, of the legiſlative acts prior to the 1 Ric. I. (which is by ſtat. Weſt. I. determined to be the term within time of memory), that though they obtain at this day no further than as by uſage and cuſtom they are engrafted into the body of the common law, and make a part thereof, yet they are deſerving notice in a general collection of our enacted laws, ſeveral of that period having, as hiſtories and legal authorities atteſt, made conſiderable alterations in the former ſtate of the laws, and adminiſtration of the kingdom.

Of theſe it is ſaid by lord Coke, that, of the acts made in the great number of ſeſſions ſince the conqueſt, a conſiderable part are not in print.

Co.

Co. Lit. 110, a particular inſtance of which is by the ſame learned writer elſewhere produced, of an act of parliament of the time of Will. I, which was pleaded and held good in 21 Ed. III. *Pref. to 9th Rep.**.

Several other inſtances of laws enacted within this period are adduced in the preceding chronological deduction of our laws, among which the ſtatutes or conſtitutions of the parliament of Clarendon (as they are termed by Blackſtone, vol. IV. 422; or, according to lord Coke, the act of parliament of the aſſize of Clarendon, 2 Inſt. 6), appear to have been of general import and authority, and to have been received accordingly in the adminiſtration of the law of the realm. *Reeves's Hiſt. Eng. Law*, vol. I. 76, &c.

It appears further, from the author juſt quoted, that ſeveral acts of the council of the realm are mentioned by Glanvil, as forming a part of the law in the reign of Hen. II. all other evidences of which acts are now loſt.

The ſubſequent collection of our written laws from the time of Ric. I. to that of Edw. II. which comprehend what have antiently obtained the diſtinction of *antiqua Statuta*, will not, on an accurate enquiry, be found more complete. On the contrary, they appear to fall equally within the obſervation abovementioned of lord Coke; it being alſo remarked by lord Hale, that doubtleſs there were many acts of parliament of this period which effected conſiderable alterations in the common law, as it ſtood in the preceding reigns, of which all records and memorials are now loſt.

* See alſo Whitelocke's notes on the king's writ, vol. I. 135, 181, 187.

H.L.'s

Hale's Hiſt. C. L. c. 1. This opinion appears fully confirmed by ſeveral inſtances produced by Mr. *Reeves*, in *Hiſt. of Eng. Law*, from Bracton and concurrent evidences; which, with ſeveral other authorities to the ſame purpoſe, are before noticed in the preceding chronological account of our laws, where mention alſo is made of ſeveral remarkable inſtances, in which the courts of law have found it neceſſary to enter ſolemnly into the enquiry of the exiſtence and authority of ſeveral laws there mentioned *.

From the beginning of the reign of Edw. III. (from which period it has been obſerved, they are uſually entitled *Nova Statuta*), the ſtatutes appear to have been originally drawn up in a different method than in the former reigns; and it may be preſumed, that they have been preſerved to our times with greater degrees of correctneſs and authenticity. It appears, however, that many exceptions are to be made in this conceſſion; to account for which it may be ſatisfactory to the ſtudent to peruſe what is related by lord *Hale* of the ancient manner and proceſs of paſſing acts of parliament, and of extracting them from the record †. It is intended to notice only in this place ſuch particulars on this head of our acts of parliament as have occurred on an occaſional and curſory obſervation, and as have

* Lord *Hale* has enumerated ſuch of the *Antiqua Statuta* as were in his time known to be on record, and ſuch as were not on record. *Hiſt. C. L.* c. 1. Some further diſcoveries as to the former have been made by later writers. See more particular information on this ſubject in *Pref. to Raſtbead, edit. Stat.*

† See this ſubject alſo treated of in Juriſdiction of the court of Chancery, at the end of 1 Chan. Rep. Butler's note on Co. Lit. 260. b. and Reeves's Hiſt. Eng. Law, III. 145.

been

been found mentioned by ſeveral law-writers of authority, whoſe reſearches have led them to an intimate acquaintance with the more obſcure parts of our Statute Law, and to an enquiry into the degrees of authenticity with which it is tranſmitted to us. Lord Coke, who undoubtedly ſtands foremoſt of all our writers in this branch of knowledge, pointed out (4 Inſt. 50) under ſeveral general obſervations, a variety of inſtances of incorrectneſs in the compilation of this part of our Statute-law, which it is apprehended have not been ſufficiently attended to by the later editors of the Statute-book, but which, it is preſumed, being ſtrongly recommended by his lordſhip, would greatly contribute to the more accurate publication of our Statute-Law.

I. Theſe are in print, but not of record.

20 *E.* III. The oath of the judges *.

27 *E.* III. c. 4. 5. 6. 7. 8. concerning the Alneger and Galcoign wines.

37 *E.* III. c. 7. touching ſilver veſſels.

37 *E.* III. c. 19. of hawks.

2 *R.* II. c. 3. of fained guiſts.

2 *R.* II. c. 5. of news.

7 *R.* II. c. 15. againſt maintenance.

9 *R.* II. c. 3 of error and attaint.

11 *R.* II. c. 4 5. 6.

13 *R.* II. c. 11. touching clothes.

13 *R.* II. c. 19. touching ſalmons.

* This is elſewhere contended to be no act of parliament, Inſt. 146. 224.

13 *R.* II. c. 2. touching pilgrims.

13 *R.* II. c. 15. touching the king's caſtles and gaols.

14 *R.* II. c. 7. concerning tin.

17 *R.* II. c. 8. of unlawful aſſemblies.

17 *R.* II. c. 9. concerning ſalmons.

27 *H.* VI. c. 3. touching employments.

Theſe inſtances are almoſt entirely contradicted by Prynne, who affirms, that though not extant in the Parliament Rolls of the reſpective years, yet that they are all extant on the Statute Rolls of theſe years in the Tower, except the firſt-mentioned, of which ſee Prynne on 4th Inſt. 38.

II. Theſe acts of parliament are of record, and not in print.

11 *E.* III. The creation of the duke of Cornwall by authority of parliament.

3 *R.* II. n. 39. concerning juſtices of peace, a profitable law for them.

8 *R.* II. n. 31. concerning the juriſdiction of the conſtable and marſhal *.

20 *R.* II. concerning the legitimation of the children of John of Gaunt duke of Lancaſter, by Kath. Swinford.

5 *H.* IV. n. 24. A commiſſion or act of parliament for arraying and muſtering of men.

8 Hen. IV. n. 12. clergy exempted from arraying and muſtering of men.

* 4 Inſt. 123, 125.

11 *H.* IV. n 28. Againſt bribery and brocage in great officers, judges, &c. *

11 *H.* IV. n. 63. Concerning attornies, &c.

6 *H.* VI. n. 27. That a queen of England, Dowager, ſhall not contract herſelf, or marry, without the king's licence †.

9. *H.* VI. n. 25. Concerning fees of privy counſellors, and other head officers.

To theſe inſtances produced by the lord Coke, in this place, may be added the following:

17 *E.* III. n. 3. Concerning perſons arreſted in the Marſhalſea ‡.

17 *E.* III. n. 15 Making the tranſportation of ſilver, and the importation of falſe money, felony §.

18 *E.* III. Concerning eccleſiaſtical livings ‖.

40 *E.* III. n. 8. An act declaring, that the king cannot put himſelf or his kingdom under foreign ſubjection, without conſent of parliament **.

7 *R.* II. An act confirming the charters and liberties of the city of London ††.

* Recited in 3 Inſt. 146. 224. See alſo Serjeant *Pergelley's Arg.* in lord *Macclesfield's Trial* in *State Trials.*, v. VI. 735. 760.

† Printed in *Ryley Plac. Parl.* 672, and *Barrington's Obſerv.* on Stat. 3 Hen. VI. See alſo *Hargr. Co. Lit.* 133. *b.*

‡ Quoted in 4th *Inſt.* 130.

§ Recited in 3 *Inſt.* 93.

‖ Mentioned in *Nicolſon's Eng. Hiſt. Lib.* 190. edit. 1714.

** Recited in 4 *Inſt.* 13.

†† Quoted by Calthrope in City Liberties. V. *Cotton's Abr. Record*, 7 *R.* II. n. 37.

15 *R.* II. An act or ordinance for cleanſing the cities of London and Weſtminſter *.

8 *H.* IV. n. 82. Concerning the Juriſdiction of the Marſhalſea court †.

9 *H.* IV. An act intitled Indemnity de Seigniors & Commons ‡.

11 *H.* IV. n. 23. An act concerning grants of the Crown §.

9 *H.* VI. n. 15. An act *enabling the mayor and chamberlain of London, (on the petition of John Carpenter, executor of Richard Whittington)*, to diſtrain for the rent of certain premiſes bequeathed by Sir John Pulteney for the relief of the priſoners in Newgate ‖.

10 *H.* VI. An act concerning juſtices of both benches is abridged by Raſtell, under that title, n. 4.

Juſtices in Eyre, an old ſtatute on this ſubject is inſerted in Cay's abridgment under that title, from an antient MS. formerly belonging to judge Dodderidge,

28 *H.* VI. n. 23. Statute of reſumptions **.

4 *E.* IV.

* V. *Prynne on 4th Inſt.* 415.

† Quoted in 4th *Inſt.* 130. See alſo *Burges on Inſolvency*, 118.

‡ 4th *Inſt.* 9.

§ Recited by *Dowenant on grants and reſumptions*, 3d. edit. 145. and therein much relied on: but ſee *Jus Regium*, &c. in anſwer to Dr. *D.*

‖ Recited in *Ryley's Plac. Parl.* 676. See alſo *Caton's Abr. Records*, 599.

** This act is on record at the Receipt of the Exchequer, it is recited in *Yelverton's Argument concerning Impoſitions*, 4to. 1641. 49. and is ſaid to have been modelled by the great Sir *John Fortescue*, at that

4 *E.* IV. n. 32. A ſpecial act to enable the dutcheſs of Exeter to act as a ſingle woman during the life of her huſband, who was attainted of treaſon *.

3 *H.* VIII. n. 10. An act concerning placing of the lords in the Parliament chamber, and other aſſemblies and conferences of counſel †.

13 *Eliz.* c. 29. An act concerning the ſeveral incorporations of the Univerſities of Oxford and Cambridge ‡.

III. In theſe acts divers clauſes are omitted out of the print which are in the Parliament Roll.

25 *E.* III ſt. 6. Statute of proviſors of benefices §.

36 *E.* III. c. 3. In the act of purveyors, &c. in the clauſe of the penalty, the ſteward, treaſurer, and comptroller, are expreſsly named, but omitted in the print.

that time chief juſtice of the King's-Bench, and has been much relied on by writers on this ſubject. V. *Davenant on Grants*, &c. 3d edit. 145. It is alſo quoted by *Selden in Diſſert. ad Fleta*, c. ult.

* Quoted in lord *Hale's notes on Co. Lit. Hargr. Co. Lit.* 133 *a.* V. *Caton's Abr. Records*, 4 *E.* IV. n. 42. The act is extant. *Parl. Rolls*, vol. V. 543.

† Printed at length in *Selden's Titles of Honor*, 744. edit. 1675, of which ſee *ib.* 747.

‡ This memorable act was not printed in any edition of the ſtatutes before *Hawkins*.

§ "In the roll of parliament of the ſtatute of proviſors there are more ſharp and biting words againſt the Pope than in the print, a myſtery often in uſe, but not to be known of all men." 2 *Inſt.* 585.

2 *R.* II. ſt. 2. c. 4. In confirmation of liberties, &c. ſaving the king's regality is omitted.

13 *R.* II. c. 1. Concerning preſentations of the king, the laſt clauſe concerning ratifications of the king, is omitted.

13 *R.* II. c. 2. Touching proviſions.

14 *R.* II. c. 4. n. 9. Concerning regrators of wools, high prices omitted in the print.

17 *R.* II c. 4. Of malt, leaveth out Hertfordſhire.

2 *H.* V. c. 3. n. 38. Concerning enqueſts *.

IV. In theſe there is more in the print than in the record.

9 *H.* IV. c. 8. n. 43. Touching proviſions.

2 *H.* V. ſt. 2. c. 38. Touching Jurors.

Under this obſervation may be claſſed,

18 *E.* III. ſt. 1. c. 1. Concerning exigents †.

V. In theſe the print varies from the record in ſome material thing.

Generally, in all the ſtatutes made concerning proviſions or other uſurpations of the Pope, the biting and other bitter words are left out in the print. As to take an example or two.

* V. 2 *H.* V. ſt. 2. c. 3. This, and ſeveral other ſtatutes mentioned alſo in this place by lord Coke as omitted in the print, are now included inthe later editions of the ſtatute-book.

† Mr. *Juſtice Yates* obſerved, that this ſtatute hath negative words in the printed edition, though it is ſaid not to be ſo in the parliament roll. 5 *Burr.* 2547.

38 *E.* III. c. 1. 2. 3. 4. In print, and n. 9. &c in the roll.

3 *R.* III. c. 3. In print, and n. 37, &c. in the roll; the biſhops being lord chancellors.

9 *R.* II. n. 1. The print miſtakes the beginning of the parliament, viz. the Monday after St. Luke, for Friday.

9 *H* IV. c. 2. n. 26. Concerning attorneys, &c.

9 *H* V. c. 2. and 3. Printed as perpetual in ſome books, though they were to endure but until the next parliament.

A roll of parliament intituled 14 *E.* IV. where it ſhould be 13 *E.* IV. 9.

Here alſo may be added,

4 *H.* IV. c. 3. An act concerning reverſal of judgments by attaint or error *.

VI. Statutes pretended to be enacted, and after diſaffirmed, and yet printed.

5 *R.* II. c. 5. ſt. 2. Concerning hereſies †, by which ſheriffs were commiſſioned to apprehend preachers of hereſy.

2 *H.* IV.

* This ſtatute, which was much relied upon in the certificate of the judges, temp. Jac. I. concerning the juriſdiction of the court of Chancery, is ſaid to be imperfectly printed, and not faithfully tranſlated. V. 1 *Rep. in Ch.* n. 52.

† Annulled by 6 *R.* II. n. 52. Diſaffirmed by the Commons, for that they proteſted it was never their meaning to be juſtified, and to bind themſelves and their ſucceſſors to the prelates, no more than their anceſtors had done before them. This ſuppoſed act is, however, printed at length in *Raſtall* as a ſtatute, and holds a place in all the collections of them, though it was annulled as abovementioned in the next ſeſſion; but it is remarkable that the act by which it was annulled hath been from time to time kept from the print.

2 *H.* IV. c. 15. Diſavowed by the Commons, and yet the pretended act printed *.

2 *H.* V. c. 6. [7]. Againſt preachers. Diſavowed the next parliament by the Commons, for that they never aſſented, and yet the ſuppoſed act printed †.

VII. Whole parliaments omitted out of the print, wherein there be many notable things to be obſerved.

Beſides ſeveral inſtances mentioned under this head by lord Coke, of the reign of *Edw.* II. the following are produced within the period of *Nova Statuta*.

6 *E.* III. A parliament holden at Weſtminſter the Monday after the feaſt of St. Gregory.

8 *E.* III. A parliament held at York, the day before the feaſt of St. Peter in Cathedra.

11 *E.* III. At Weſtminſter, whereat the prince was created duke of Cornwall, &c.

print 1 *H. H. P. C.* 394. in note, cites 12 *Rep.* 55. It is further ſaid, that the firſt mentioned act, though paſſed without conſent of the commons, was put in execution and continued in force till it was repealed by 1 Ed. VI. c. 12. and 1 Eliz. c. 1. See *Preface to Ruffhead's Stat.* and *Prynne on 4th Inſt.* 395. 398.

Lord Coke obſerves, that Robert Braibroke, biſhop of London, was then lord chancellor; and by this, and that which follows, it appeareth how neceſſary it was in thoſe days to have ſome of the Commons to be at the ingroſſing of the parliament rolls, as appeareth *Rot. Parl.* 6 *H.* IV. n. 56.—7 *H.* IV. n. 65, &c. and *Mod. tenend. Parl. c.* 8.

* Printed alſo at length in *Raſtell*, and accordingly in the ſubſequent editions.

† Printed alſo at length in *Raſtell*, and accordingly in the ſubſequent editions.

13 *E.* III. At Weſtminſter, in 15 Mich.

22 *E.* III. At Weſtminſter, the Monday next after the week in the middeſt of Lent

29 *E.* III. At Weſtminſter, the day after St. Martin.

40 *E.* III. At Weſtminſter, the Monday after the Invention of the Croſs.

7 *R.* II. At Weſtminſter, the Friday after the feaſt of St. Mark.

To theſe inſtances may be added,

15 *R.* II. At Wincheſter *.

VIII. Whole parliaments repealed and made void by ſubſequent parliaments.

15 *E.* III. Repealed, V. *Rot. Parl.* 17 *E.* III. n. 23.

10 *R.* II. Belknap, C. J. C. P. adviſed king Richard II. that he might revoke the ordinances made in this parliament, and, after being forced to ſubſcribe that opinon, was baniſhed.

11 *R.* II. Repealed by 21 *R.* II.

21 *R.* II. Repealed by 1 *H.* IV. c. 3. by which the before mentioned parliament is revived.

38 *H.* VI. A parliament holden at Coventry is wholly repealed by 39 *H.* VI. c. 1.

* An act of this parliament (before noticed) is mentioned in two proclamations of the ſubſequent year, 16 *R.* II. but no ſtatutes or ordinances of that year are extant in print in the ſtatute book. V. *Prynne on 3 Inſt.* 45.

49 *H.* VI. Et readoptionis regni ſui primo, is repealed and reverſed by Rot. Parl. 12 *E.* IV. n.

IX. Statutes of diſputed authority as acts of parliament.

46 *E.* III. Concerning records of the King's Court *.

8 *H.* VI. c. 29. Concerning Inqueſts de Medietate linguæ, where an alien is party †.

In further proof of the incorrect manner in which the ſtatutes have been originally collected and committed to the preſs, it is obſervable, that in the annual collection made of the acts of 1 Eliz. and printed in that year by R. Jugge and J. Caywood, printers to her majeſty, there is mentioned in the table, cap. 5. "An act for the admitting and conſecrating of archbyſhoppes and byſhoppes," which ſeems, after having been printed, to have been caſtrated from out the book; and in another edition of thoſe acts, bearing the ſame date, printed by J. Jugge (alſo printer to the Queen's majeſty), it is wholly omitted in the

* This ſtatute or ordinance is recited by lord Coke in *Pref. to 2d. Rep.* as an act of parliament, for which he is cenſured as having ſince occaſioned many doubts and great diſcontents; this ſuppoſed ſtatute having been relied upon in Col. *Sidney's Trial*, 35 Car. II. and in lord *Preſton's Trial*, 2 Will and Mary. The ordinances of this parliament are printed in Cay's edition of the ſtatutes, with ſo much of the record as may ſhew that they were not made till after the diſmiſſion of the knights of the ſhires, which irregularity might perhaps be the reaſon why they were not entered upon the ſtatute rolls or printed in the ſtatute book before Mr. Cay's edition. V. *Pref. to Cay's Stat.*

† The authority of this ſtatute, as an act of parliament, is queſtioned in Dyer, 144, b. and denied Co. Lit. 159, b. and 8 Rep. 20 b. as having been enacted by the king and lords only.

table,

table, as alſo in all ſubſequent editions of the ſtatutes. This act (of which ſee further, Stillingfleet on the Eccleſ. Juriſd.), appears, from D'Ewes's Journal, to have paſſed both houſes of parliament, and the queen's exerciſe of that power ſeems to have given great diſcontent, and to have occaſioned the making the act of 8 Eliz. c. 1. It is alſo remarkable, that though this act is totally omitted, the acts of that year in Hawkins, and the ſubſequent editions, conſiſt of two more chapters than in the original collection.

The foregoing obſervations and inſtances produced in ſupport of them have, it is preſumed, pointed out the looſe and inaccurate manner in which the original compilation of the ſtatute-book has been framed. The defects and inaccuracies before-mentioned are for the moſt part chargeable on all the editions of it, and the frequent complaints of authors, who, in their reſearches on different ſubjects of law, have been led to a more minute inveſtigation of the actual ſtate of our printed ſtatute book, ſeem to make it deſirable, as a national object, that a more authentic and correct publication of it ſhould be produced. That purpoſe would, at the preſent period, be much facilitated by the publication of the Rolls of parliament, which has of late years been made under the direction of the houſe of lords, from whence, probably, a great part of the errors and omiſſions pointed out principally on the authority of lord Coke in the preceding pages, and many others that would without doubt appear on a cloſer inſpection, might be corrected and ſupplied.

To thoſe who may be diſpoſed to purſue further enquiries on this head, it may be of uſe to conſult ſeveral aſſiſtances extant in our public libraries, which ſeem to be the produce of the labours of certain learned and induſtrious perſons formerly engaged on this ſubject; ſome of which are pointed out in the preceding ſection of the public records, under the title, STATUTES.

VII. READ-

VII. READINGS upon the STATUTES, and on other SUBJECTS of LAW.

THE Law treatiſes, which are uſually entitled readings, the ſubject of which was generally the expoſition of ſome ſtatute, appear to have been the reſult of the ſtudies of the profeſſors of the law, who, in former times, were choſen from among the barriſters in the ſeveral inns of court, and whoſe office formed a neceſſary qualification and ſtep towards advancement to the more eminent ſituations in the profeſſion. The cuſtom of theſe occaſional exerciſes of learning have been long ſince diſcontinued, the form only and title of the office, it ſeems, being preſerved in the ſeveral ſocieties for the ſtudy of the law.

The practice of theſe lectures appears to have been of great antiquity, and they were formerly ſolemnized at a great expence, and with much pomp and ceremony, being generally attended by the judges, and, on ſome occaſions, were honoured with the royal preſence.

Many curious particulars concerning them may be found in Dugdale's *Origines Juid.* where alſo are to be met with catalogues of thoſe who have filled that office in the ſeveral law ſocieties, which contain the venerable names of many, who afterwards held the moſt exalted ſtations, and proved the greateſt ornaments of the profeſſion.

Among theſe are recorded Sir Thomas Littleton, *Lord Chief Juſtice* Dyer, Sir Robert Brooke, *Lord Chief Juſtice* Coke, *Lord Chancellor* Bacon,

Bacon, *Judge* Dodderidge, all of whom have left ſpecimens of their learning and induſtry in their exerciſes on theſe occaſions, as well as in their more voluminous labours. It is obſervable, that theſe readings were anciently of great authority, as appears from a quotation of Littleton himſelf, *ſect.* 481. (though it is commonly underſtood, that he cites no authority throughout his work); but it ſeems that lord Coke lamented in his days, that diſuſe of the former practice obſerved in thoſe exerciſes, as prejudicial to the proper ſtudy of the law, having alſo, in his commentary on the above-mentioned ſection of Littleton, expreſſed himſelf on the ſubject as follows: "Here it is to be obſerved of what authority antient lectures or readings upon the ſtatutes were, for that they had five excellent qualities: 1. They declared what the common law was before the making of the ſtatute. 2. They opened the true ſenſe and meaning of the ſtatute. 3. Their caſes were brief, having at the moſt one point of the common law, and another upon the ſtatute. 4. Plain and perſpicuous; for then the honour of the reader was to excel others in authorities, arguments and reaſons for proof of his opinion, and confutation of the objections againſt it. 5. They read to ſuppreſs ſubtle inventions to creep out of the ſtatute. But now (his lordſhip obſerves) readings having loſt the ſaid former qualities, have loſt alſo their former authorities; for now the caſes are long, obſcure, and intricate, full of new conceits, liker rather to riddles than lectures, which, when they are opened, vaniſh away like ſmoak, and the readers are like to lapwings, who ſeem to be

" neareſt

" neareſt their neſts when they are fartheſt from " them, and all their ſtudy is to find nice evaſions " out of the ſtatute."

Theſe readings undoubtedly form a valuable commentary on many of the moſt important of our antient ſtatutes; a great number of them have never been made public, ſome of which it is apprehended, though formerly received and relied upon as eſtabliſhed authorities by the more antient law-writers, are now wholly loſt; but a conſiderable part remaining in MS. are preſerved in the Harleian and other public collections, and in the libraries of the learned. Such of them as are extant in print, or as have been met with, quoted as authorities in our law books, on occaſional and curſory inſpection of them, are here enumerated in the order of arrangement of the ſtatutes to which they relate, with notice of their reſpective authors.

9 *Hen.* III. Magna Carta. By Sir Robert Brooke, *Chief Juſtice C. P. 2 P. and M.*

c. 28. a very antient and learned reading on this ſtatute, quoted by lord Coke *.

Carta de Foreſta. By George Treherne, *Reader at Lincoln's Inn*, temp. *H.* VIII. By Sir Thomas Heſketh †.

3 *Edw.* I. Weſtm. I. c. 1. de Pace. 14 readings. By Thomas Marrow, *Serjeant* ‡, 20 *H.* VII.

* *Co. Lit.* 168, *b.*

† V. *Bibl. Leg. Ang. P.* I. *tit.* Readings.

‡ Theſe readings, which are not extant in print, are quoted as of great authority by the early writers on the office of Juſtice of peace, particularly by Lambarde. Copies of them are in ſeveral of the public libraries, and among the MSS. of Francis Hargrave, Eſq.

4 *Edw.* I.

4 *Edw.* I. ———————— de extenta Manerii, By Sir Ant. Fitzherbert *, *Juſt. C. P.* 15 *Hen.* VIII.

13 *Edw* I. Weſtm. II. c. 1. de donis conditionalibus, Sir Thomas Littelton †, *Juſt. C. P.* 12 *Hen.* VII. Author of the Tenures. c. 4. *In caſu quando vir amiſerit*, &c. ‡

13 *Edw.* I. Weſtm. II. c. 12. on Appeals, Richard Littleton §, Son of Judge Littleton,

27 *Edw.* I. ———————— de finibus levatis. Sir Edward Coke, *Ch. Juſt. C. P.* 4 *Jac.* I. *and Ch. Juſt. K. B.* 11 *Jac.* I.

17 *Edw.* II.———————— Prerogativa Regis ‖. Sir Thomas Frowike, *Ch. Juſt. C. B.* 19 *Hen.* VII.

25 *Edw.* III. c. 2. On Treaſons. Robert Holbourne.

27 *Edw.* III. c. 17. Merchant Strangers **, By Sir Edward Littleton, *Lord Ch. Juſt. C. P.* 15 *Car.* I. *Lord Keeper* 16 *Car.* I.

* There are alſo extant in MS. by Fitzherbert, 11 readings on the ſtat. of Marlebridge, 52 Hen. III. V. *Cat. MSS. Ang.* V. II. n. 1947.

† *Pref. to Coke Litt.* and *Co. Lit.* 19 a, 39 a.

‡ Quoted *Lit.* ſect. 481. A MS. in an antient hand writing, containing readings upon this and the greater part of the other chapters of the ſame ſtatute, is in the hands of the compiler hereof.

§ *Pref. to Co. Litt. Dalton's Sheriff*, 392. 419. *Br. Abr.* Appeil. 125, extant *Harl. MSS.* n. 1691.

‖ *Br. Abr.* Apporcionment 28, Garde 120. Idiot 6, Notice 27, Office devant eſchetor 60, Petition 41, Teſtmoignes 30, Travers d' Office 54, Villenage 71, alſo extant *Harl. MSS.* n. 1691.

** Not printed, quoted by lord chief baron Parker in the caſe of Omychund v. Barker, 1 *Atk.* 42. See alſo 1 *Salk.* 46.

1 *Ric.* II. c. 9. Parnor de Profits. Juſtice Martin *. *Juſt. C. P.* 2 *Hen.* VI.

13 *Ric.* II. Juriſdiction of the Admiralty. Sir Leoline Jenkins, *Judge of the Court of Admiralty, temp. Car.* II.

8 *Hen.* VI. c. 9. Forcible Entries. Thomas Riſden, *Reader of the Inner Temple,* 12 *Eliz. Another of the ſame Name,* 10 *Jac.* I.

4 *Hen.* VII. On Fines, 15 Readings †. John Denſhall, *Serjeant at Law,* 23 *Hen.* VIII.

4 *Hen.* VII. c. 17. On Aids, 11 Readings. By Thomas Audley ‡, *who ſucceeded Sir* Thomas More *as Lord Chancellor,* 24 *Hen.* VIII.

21 *H.* VIII. c. 13. De facultatibus beneficior. Reading at Middle Temple, 2 Aug. 1619. Sir James Whitlock, *Juſtice of King's Bench,* 22 Jac. I. *and Chief Juſtice of Cheſter* §.

21 *H.* c. 19. Of Avowries. By Thomas Riſden, *Reader of the Inner Temple,* 12 *Eliz*

23 *H.* VIII. c. 5. Of Sewers. John Herne.

27 *H.* VIII. c. 10. Of Uſes. By Sir Francis Bacon, *Sol. Gen.* 5 *Jac. Atterney Gen.* 11 *Jac. Lord Keeper* 14 *Jac. Lord Chan.* 18 *Jac.*

27 *H.* VIII. c. 10. Of Jointures. Sir John Brograve.

* Not printed, V. *Br. Abr.* Feoffment de terres, 19 *ib.* Parnor, 4.

† V *Cat. MSS. Ang.* v. II. n. 1947. The printed copies contain only ſix readings.

‡ Mentioned in the author's life in *Biogr. Britan.* and in *Fuller's Worthies.* A copy of them is among Mr. *Hargrave's MSS.*

§ Not printed, quoted in *Jacob's Dict. tit.* Monkery; mentioned in *Append.* to *Hearne's Curious Diſcourſes* and *Wood's Athen.* 490. extant in *Aſhmol. Muſ. Oxf. Catal. MSS. Ang.* v. I. n. 7858. A copy of this reading is alſo among Mr. *Hargrave's MSS.* and another in the poſſeſſion of the compiler hereof.

28 *H.* VIII. c. 2. On limitation of Actions. By Robert Brooke *.

32 *H.* VIII. c. 5. On Sewers. Robert Callis.

32 *H.* VIII. c. 1. On Wills.

34, 35 *H.* VIII. Explanation of above ſtat. Sir James Dyer, *Middle Temple.*

34, 35 *H.* VIII. On Wills. Popham †.

35 *H.* VIII. c. 6. On Trial by Jury. Sir Thomas Williams, Speaker H. C. 5 Eliz.

13 *Eliz.* c. 7. On Bankrupts. John Stone, *Serjeant at Law*, 16 *Car.* I.

43 *Eliz.* c. . Charitable Uſes. Sir Francis Moore, 4 *Jac.* I. *Mid. Temp.*

3 *Car.* I. Petition of Right. William Prynne ‡,

Beſides thoſe above enumerated on particular ſtatutes, the following are written on general ſubjects.

Reading on Copyholds. Charles Calthrope.

Reading on Advowſons. Sir John Dodderidge §.

Caſe and Arguments againſt Sir Ignoramus at Cambridge, in a reading at Staple Inn, by Robert Callis, Serjeant at Law.

* There are alſo extant *Harl. MSS.* n. 1692, Brook's Readings, A. D. 1614, on 43 Eliz c. 8. Q. if by Sir Rob. Brooke.

† Not printed, quoted in *Dyer*, 218. b.

‡ Not printed, extant among Mr. *Petyt's MSS.* in Inner Temple Library, and among Mr. *Hargrave's MSS.*

§ Lecturæ Juridicæ Magiſt Doddrige, 1594, extant in *Harl. MSS.* n. 5053.

Neither

Neither of the following appear to be extant in print, but are found frequently quoted in the law-books, without mention of the particular ſtatute of which they reſpectively treat.

1 Aldſworth's reading. Lincoln's Inn Lect. 38 *Eliz.* *

2 Archer's reading on the laws of the foreſt †.

3 Chiborne's reading, anno. 1 *Hen.* VIII. ‡

4 Cock's reading §.

5 Fitzjames's (Sir John) reading ‖.

6 Gwin's reading. *Richard Gwyn, Reader, Inner Temple, 4 Jac.* **

7 Harriſon's reading, at Lincoln's-Inn, Lent 1632. ††

8 Herbert's reading. The author was reader at the Inner Temple 12 *Car.* I. ‡‡

9 Philips's reading §§. Q. Francis Philips, reader of the Inner Temple 13 *Car.* II.

* *Dyer*, 355. a.

† Quoted in *Manwood's Foreſt Law*, 4to. 59 b.

‡ *Dalton's Sheriff*, 386, &c. There is alſo extant, *Harl. MSS.* 1692, Chibborne's reading, A. D. 1613, on ſtat. 33 Hen. VIII.

§ *Ib.* tit. Felonie. Burglarie.

‖ *Br. Abr.* Apporcionment, 28. Prerogative le Roi, 134.

** *Cowel's Dict.* verb. Common Pleas—Conge d'elire—Court of Requeſts—Juſtices in Eyre—and *Cat. Harl. MSS.* 813, art. 26, where it is obſerved of this Reading, "It touches much upon the "ſubjection of the church and clergy to the law of the land in ſe-"veral inſtances."

†† Quoted in *Dyer*, 200, *in margin* and *Viner*, Baron and Feme, A 16. *Ib.* C 6. in notes.

‡‡ V. 2 *Rolls. Abr.* 515.

§§ *Hargr. Co. Lit.* 33. a.

10 Reading, temp. *Hen.* VII. concerning the office of Coroner *.

11 Reading, temp. *Hen.* VII. by W. N †

12 Reading on Quo Warranto. ‡

13 Reading (S). §

14 Thatcher's reading, 15 *Hen.* VII. ‖

15 Whorhod's reading, 35 *Hen.* VI.
Q. William Whorwood, *Solicitor Gen.* 27 Hen. VIII. *Attorney Gen.* 32 Hen. VIII. **

* *Br. Abr.* Appell. 62. *Ib.* Corone 82.

† *Br. Abr.* Corone, 181, ſeq. *Ib.* Sanctuarie 11.

‡ *Br. Abr.* Quo Warranto 12.

§ *Br. Abr.* Recognizance, 14.

‖ *Br. Abr.* Waſte, 96. Tr. 15 H. VII. 11. 21.

** *Br. Abr.* Deſeiſance, 18. Diſcent. 40. Preſcription, 108.

VIII. Of the BOOKS of REPORTS, or Collections of the adjudged Caſes in the ſeveral Courts of Law and Equity.

THE word *Report* is uſed by Littleton, who wrote in the reign of Edw. IV. and is explained by lord Coke, as ſignifying "a public relation, or bringing again to memory caſes judicially argued, debated, reſolved, or adjudged "in any of the king's courts of juſtice, together "with ſuch reaſons as were delivered by the "judges of the ſame," in which acceptation the term is now generally underſtood.

The uſe and neceſſity of recording and tranſmitting the authorities of judicial determinations having at all times exiſted, it accordingly appears, that Collections have, in very early ages, been made of them, among which (not to mention the books of Moſes, who is, by Lord Coke, ſaid to have been the firſt reporter of law *,) may, perhaps, be reckoned as the moſt antient of our own country, the book of Judgments, which is ſaid to have been compoſed by king Alfred, and to have been received as authority in Weſtminſter Hall as late as the reign of *Edw.* IV. Other antient records of this nature are quoted in the *Mirror of Juſtices*, but of which all other memorials are now loſt.

It is the opinion of a learned judge and an eminent reporter †, that though we are not poſſeſſed

* Pref. to 6 Rep. † Pref. to Sir J. Davys's Rep.

of

of any Collection of Reports in print, prior to the reign of *Edw.* I. except the broken caſes in the older abridgments, which are not higher than the reign of *Hen.* III. yet aſſuredly (he obſerves) there were other reports digeſted in years and terms as ancient as the time of William the Conqueror, as appears by Chaucer, who of the ſerjeant at law ſays,

In terms had he caſes and domys all,
That fro' the time of king Welyam was fall.

Notwithſtanding it may be thought that this poetic authority ſtands in want of confirmation, it is certain, that many reports of caſes, beſides thoſe extant in the year books, and in the old abridgments, and the detached caſes in the writings of *Bracton*, *Littleton*, lord *Coke*, *Selden*, and the more antient law-writers; others were formerly in the hands of the learned; in particular, ſome of the time of king *John*, are quoted by lord *Hale* *; and others of *Edw.* I. are mentioned as formerly in the library of Mr. *Selden*; and lord *Coke* expreſsly mentions others which he had ſeen of the reigns of *Hen.* III. *Edw.* I, &c †. which he receives as of equal authority with thoſe of the ſubſequent reigns, which we have in print under the title of Annals, or Year books.

It is the generally received opinion, that the office of reporting the determinations of our

* Hiſt. Com. Law, c. 7.

† Some of theſe collections, probably, form a part of MSS. bequeathed by Sir Matt. Hale to Lincoln's-Inn Library. Several other collections have been pointed out under the reſpective reigns in the foregoing chronological account of our laws, beſides which, there are ſome of a ſtill earlier date, viz. Placita & alia de temp. Ric. I. &c. Cat. MSS. Ang. v. II. n. 1928. Harl. MSS. n. 4286.

courts

courts was inſtituted by royal authority; agreeable to which, Plowden obſerves, that in old time (as I have of credit heard, ſays he) "there were "four reporters of our caſes of law, which were "choſen men, and had a yearly ſtipend for their "travail therein payed by the king of this realm, "and they conferred all together at the making "and ſetting forth of the report."

The origin of this appointment is, by lord *Coke*, aſſigned to the reign of *Edw.* III. when, he obſerves, the law being in its height, the cauſes and reaſons of judgments, in reſpect of the multitude of them, are not ſet down in the records (as in the former reigns, when he remarks there was no need of reports): but then the great caſuiſts and reporters of caſes (certain grave and ſad men) publiſhed the caſes, and the reaſons and cauſes of the judgments and reſolutions, which, from the beginning of *Edw.* III. and ſince, we have in print*. The office of reporters is alſo ſaid to have been continued by the ſame authority, during the reigns of *Hen.* IV. *Hen.* V. *Hen.* VI. *Edw.* IV. and till the reign of *Hen.* VIII.

It is ſomewhat differently related by Blackſtone†, that the reports are extant in a regular ſeries, from the reign of *Edw.* II inclusive, and that from his time to that of *Hen.* VIII. they were taken by the prothonotaries, or chief ſcribes of the court, at the expence of the Crown, and publiſhed annually, whence they are known under the denomination of the "Year books," or, as they are ſometimes called, Annals.

* 4 Inſt. 4.

† Com. v. I. 71.

Notwith-

Notwithſtanding the importance of the office above deſcribed, and the notoriety that might be ſuppoſed to attend the exerciſe of it; it is remarkable, that almoſt all the particulars relating to it are at this day involved in ſo much obſcurity, that it is not known on what authority the information of the authors juſt mentioned is founded, nor have the names of any of the ſaid reporters been handed down to us by any authentic teſtimony *.

It is alſo obſervable, that the caſes of a conſiderable number of years †, within the period abovementioned, by the learned author of the Commentaries, and even of the whole reign of *Ric.* II. are wanting to compleat the ſeries of the printed Collection of the year books; notwithſtanding that the caſes of that reign, and of the other years omitted, are in great part extant in the older abridgment of Statham, Fitzherbert, and Brooke, as alſo many more which are not elſewhere exant in print, and ſtill others are found quoted by our antient law-writers from caſes re-

* It may, however, be obſerved, that at the end of Mich. 21 *E.* III. 50, it follows, *Icy ſe finiſſent les reportes du* Monſ. Herewode, *and afterwards, Icy s'enſuivent certains caſes pris de hors un autre report qui n'ont eté dans les reports du* Monſ. Horewod, *par ci devant imprimes.* It is alſo remarked, that 1 and 2 Ed. IV. appear to have been collected by one Townſhend, as may be ſeen at the end of thoſe annals. V. Herbert's edit. Ames 302.

† The caſes of the following years are wholly wanting in the printed Collection of the Year books.

Edw. III. An. 11 to 16,—19 and 20—31 to 37.
Ric. II. The whole reign.
Hen. V. An. 3, 4, 6.
Hen. VI. An. 5, 6, 13, 15, 16, 17, 23 to 26, 29.
Hen. VII. An. 17, 18, 19.
Hen VIII. An. 1 to 12—15, 16, 17, 20, to 25, 28, &c.

Some of the omitted years are extant among the Harleian MSS. n. 452, 4557, 4585.

maining in MS. bearing equal marks of authenticity with thoſe which we are in poſſeſſion of in print.

It is to be lamented, that the ſame authority by which it is ſaid theſe collections were originally compoſed, had not interpoſed in ordering a more compleat and regular compilation and publication of them, more particularly at that period of their republication when they were unanimouſly recommended to the preſs by the twelve judges, as an eſſential part of the law ſtudent's library; on the contrary, they appear for the moſt part to have been given to the public in detached terms and years, as they happened to be preſerved, and to come into the hands of thoſe who were intereſted or diſpoſed to make them public after the uſe of printing had obtained in England; and to this circumſtance it is, perhaps, to be attributed, that the caſes of ſo many entire years are wholly wanting.

The Reports of the reign of *Edw.* I. though not extant in any regular ſeries in print, are ſaid, though briefly ſtated to be very good. Of the caſes of the reign of *Edw.* II. it is obſerved, that there are many entire copies of them excellently reported, exhibiting a fair ſpecimen of the learning of the judges and pleaders of that time; theſe are noticed in a preceding ſection under the reſpective reigns.

Of the reign of *Edw.* III. when, according to lord Coke, the office of Reporters was eſtabliſhed, the Reports conſiſt of four volumes, the two firſt of which contain, with the exception of a few years, as before noticed, the caſes from the firſt to

the 39th year*; the third intitled *Quadrageſima*, from the 40th to the 50th; and the other volume is the *Liber Aſſiſarum*, comprehending a ſeries of the caſes determined in the aſſizes throughout the whole reign. It is obſerved, that the two latter have been preferred to the two former in point of reputation with poſterity, which is partly accounted for by a modern writer on the ſubject of our more antient law, from the circumſtance that the former contains determinations on points of learning, which had become more obſcure than thoſe in the ſubſequent collections, and conſequently not ſo frequently brought forward as authorities by Fitzherbert and Brooke, whoſe abridgment, it is ſaid, in after-times, became the clue, and in a great meaſure ſubſtitutes for the Year books: it is further obſerved by the ſame author, that the *Quadrageſima* and *Book of Aſſizes*, are certainly entitled to the preference, for, beſides that queſtions are there diſcuſſed with more preciſion and clearneſs, they contain more of thoſe points of law that have ſurvived to the preſent times. In regard to preciſion and clearneſs, all the Reports of this reign excel thoſe of the preceding. *Reeves's Hiſt. Eng. Law*, vol. III. 148.

The Reports of the ſucceeding reign of Ric. II. are not printed † in any continued ſeries; but lord

* Plowden, in his *argument concerning nuſance*, quotes a caſe, 7 Ed. III. and recites two Latin verſes from Horewood's Report; and another caſe, 19 Ed. III. which are not extant in the printed Year books, in which there is no caſe 19 Ed. III.

† There are extant among the MSS. in Lincoln's-Inn Library ſeveral collections of *Placita* during this reign, n. 40, 77, 189. Many caſes of the ſame reign are abridged by Fitzherbert; from whoſe Abridgment they are collected in a ſeparate volume, by Bellewe, as a ſubſtitute for the Year book of this reign.

Hale

Hale obſerves, that he had ſeen a manuſcript of the entire years and terms thereof, from whence he remarks, there was a viſible decline during the feeble government of this reign, in the dignity of the law, and in the learning and depth of the pleaders. *Hale's Hiſt. Com. Law*, C. VIII.

The Reports of the reign of Hen. IV. as they contain matter that bears a nearer affinity to the ſtate of our laws at this day than the books of Edw. III. are more likely to engage the attention of a modern reader. Their form is ſaid to be leſs irkſome, and the ſubject more intelligible; they have leſs the ſtyle of an entry than the older Reports, and give a ſtate of the caſe, and what was ſaid upon it, more in the way of narrative. Notwithſtanding theſe advantages in their favour, it is the opinion of lord Hale, that the Reports of this reign, as well as thoſe of Hen. V. do not arrive, either in the nature of the learning contained in them, or in the judiciouſneſs and knowledge of the judges and pleaders, or in any other reſpect, to the perfection of thoſe in the laſt twelve years of Edw. III. *Reeves's Hiſt. of Eng. Law*, vol. III. 254.

Of the Reports of Hen. VI. and Edw. IV. Edw. V. and Ric. III. it is ſaid, that both the matter and ſtile of them are more ſuited to the reading of a modern lawyer than any of the former; and are, conſequently, more worthy of notice than thoſe of the preceding reigns. They contain a fuller account of what paſſed in court, queſtions of law are more thoroughly debated, and the opinions of the judges given more at length.

The ſecond part of Hen. VI. and the whole *long quinto* (as it is called) are full of excellent

learning. The firſt part of Hen. VI. is ſaid, by lord Hale, to be more barren, ſpending itſelf in much learning of little moment, and long ſince out of uſe. *Reeves's Hiſt. Eng. Law*, vol. III. 112.

The author juſt quoted obſerves of the Year book of Hen. VII. that it goes more into points of law, and ſuch matters as have ſurvived the times when they were debated, and is more deſerving attention, than the preceding. It is alſo obſerved, that at this time the counſel and judges are ſometimes found quoting caſes, and Bracton is once or twice referred to; but this was not common, their determinations being moſtly the reſult of argument and diſcuſſion, and theſe were made precedents for future ages.

The Year book of the reign of Hen. VIII. contains the caſes only of a few years, as before noticed, between which and the caſes of the former reign you may obſerve no ſmall difference, as it is remarked by lord Coke, who ſuppoſes the appointment of reporters to have ceaſed about the end of the reign of Hen. VII. It is further conjectured by the author ſo often before quoted in this ſection, that, perhaps, ſince a taſte for all kinds of learning had begun to prevail, the opinion of this eſtabliſhment of reporters was altered, and it was thought more adviſable to truſt to the general inclination diſcovered in private perſons to take notes, who, probably, from a competition, would do more towards rendering this department perfect and uſeful than any temptation of a fixed ſalary; whatever may be the reaſon, ſuch a ſtipend was no longer continued, and the undertaking dropped. *Reeves's Hiſt. Eng. Law*, vol IV. 414.

It is ſomewhat remarkable, that this author's minute peruſal of the Year books did not enable

him to furniſh us with ſome further circumſtances of the authors of theſe annals, or of the particulars of their original compilation; the occaſion, however, aſſigned for the diſcontinuance of the appointment of Reporters is ſupported by the appearance of ſeveral voluntary Reporters in the courſe of this reign, viz. *Keilway*, *Moore* *, and *Benloe*, who had reported ſome caſes in the former reign, as alſo *Dyer*, to which may be added the collection of *Brooke*, *Anderſon*, and *Dalliſon*, all of whom, it is obſervable, were in ſubſequent reigns advanced to honorary degrees in the profeſſion, and whoſe labours, it may be preſumed, form an adequate ſubſtitute for the former eſtabliſhed office of Reporter. The authority of the determinations reported by the above-mentioned authors, ſeems to be received with equal reſpect as thoſe of the preceding reigns; but the method of reporting adopted by lord chief juſtice *Anderſon* is more circumſtantial and inſtructive than that of the Year books, and the conciſeneſs, perſpicuity, and accuracy of lord chief juſtice *Dyer*, render his reports a valuable treaſure to the profeſſion; the eſtimation of which is very much increaſed by the additions that were afterwards made of the marginal notes and references accompanying the laſt edition of that work, which is reputed to have been reviſed by lord chief juſtice *Treby*.

Of the ſucceeding reigns of Edw. VI. Mary and Eliz. beſides the continuance of the labours of ſeveral of the authors before-mentioned, the principal, who undertook the office of Reporter,

* A MS. fairly written, entitled, *Ex libro Fran. Moore Mil. Servient. ad leg. m; ſcripto propria manu ipſius*; conſiſting of Reports of Caſes principally agreeing with thoſe in print of this author, but to many of which a great number of references to authorities are added, is in the poſſeſſion of the compiler hereof.

are

are *Plowden*, who reported during the former part of that period to the middle of the reign of *Eliz.* and *Coke* and *Croke*, who took up that taſk from about the time laſt mentioned to the end of that reign; beſides ſeveral others of leſs note, who appear to have taken caſes during ſeveral intermediate years of the laſt mentioned reign.

Of theſe *Plowden* appears to have qualified himſelf for this taſk by a peculiar attention to the determination of the courts during a conſiderable number of years, which he had from his firſt entrance upon the ſtudy of the law propoſed to himſelf as an object of the firſt conſequence in the purſuit of it, and, by a conſtant perſeverance in the method which he had adopted in obſerving and recording the judgments of the courts, he acknowledges to have reaped much profit and inſtruction; which may be readily apprehended from the account given us by himſelf of his manner of proſecuting this method of ſtudy. The caſes reported by this author were all, he obſerves, important caſes, upon demurrers in law, abounding more copiouſly with matter of improvement, and being more capable of perfecting the judgment than arguments on other occaſions. He has alſo inſerted in many caſes entries of the pleadings therein, which the author recommends as more authentic than thoſe uſually contained in the books of entries, having been thoroughly ſifted at the bar, and on the bench, and therefore more ſafe to be truſted to; and having, in other reſpects, beſtowed infinite pains in conſtructing the Report, and the arguments, with all poſſible attention to correctneſs and authenticity, in a more enlarged method than had before been adopted, this

this collection was by the author properly, as it ſeems, denominated his *Commentaries* or Reports, which diſtinction it long maintained, being moſt uſually, by way of eminence, quoted by lord *Coke*, and ſubſequent law-writers, by the title of the "COMMENTARIES," without addition of the author's name.

They have accordingly been tranſmitted down with the concurrent and ſucceeding approbation of the more eminently learned part of the profeſſion, on whoſe recommendation it may be proper to mention, that of late years theſe reporters have been revived in a form ſtill more generally adapted to the promotion of legal knowledge, by an engliſh tranſlation of the Report, as alſo of the pleadings, with the additional advantage of marginal notes and references to ſubſequent and modern authorities on the reſpective points of law, which undertaking is reputed to be performed in a manner that does credit to the original work.

Lord *Coke* next preſents himſelf in the office of Reporter, and, having entertained great reſpect for the labours of his immediate predeceſſor in that taſk, ſeems to have followed his method in conſtructing his own Reports, in which he has on the ſeveral occaſions, and in the variety of ſubjects which preſented themſelves to his obſervation during the latter end of the reign of *Eliz.* and the principal part of that of *Jac.* I. (during which he preſided ſucceſſively in the courts of Common Pleas and King's Bench), amaſſed and digeſted a prodigious treaſure of legal learning comprehending many important titles of law; each caſe having furniſhed occaſion for a diſplay of his capacious ſtores of legal knowledge, which he appears

pears on every topic ſolicitous to lay open for the inſtruction and uſe of the ſtudent; at the ſame time affording the moſt authentic precedents of judicial deciſions; in which reſpect theſe Reports have uniformly been received with the utmoſt deference in the courts *. They have alſo, by diſtinction of eminence, been quoted by the deſcription of 1, 2, 3, &c. REPORT, without the author's name, and in his own writings are uſually deſcribed, LIB. 1, 2, 3, &c.

The publication of the firſt part of theſe Reports appeared towards the end of the reign of Q. *Eliz.* on which occaſion his lordſhip gave the following account of the principal reaſons which induced him to publiſh them. "I have, ſince the twenty-ſecond "year of her majeſty's reign, which is now "twenty years compleat, obſerved the true rea-"ſons, as near as I could, of ſuch matters in law

* Lord Coke having, in 1616, incurred the diſpleaſure of king James, on occaſion of a queſtion relating to the royal prerogative, which occurred in the courſe of his duty as lord chief juſtice, was ſuſpended from that office, and directed by the king to review his books of Reports, in which he was informed there were many extravagant and exorbitant opinions ſet down and publiſhed for poſitive and good law; and if in the reviewing and reading thereof he ſhould find any thing fit to be altered and amended, the correction was left to his diſcretion, and after making ſuch correction, he was directed to bring the ſame privately to his majeſty, that he might conſider thereof, as in his princely wiſdom ſhould be found expedient. Amongſt other things it appears, that the king took offence that lord Coke ſhould aſſume the title of Lord Chief Juſtice of England, whereas he could challenge no more but Lord Chief Juſtice of the King's Bench. It does not, however, appear, that his lordſhip thought it neceſſary to make any alterations in the Reports he had then publiſhed, in conſequence of this royal mandate; but it is obſervable, that lord chancellor Elleſmere (with whom lord Coke had held ſome difference of opinion reſpecting the juriſdiction of their reſpective courts) made ſome exceptions to the Reports which are extant in print, and to which lord Coke made replies. Theſe are together extant in MS. in Sir H. Sloane's Collection.

(wherein

" (wherein I was of counſel, and acquainted " with the ſtate of the queſtion) as have been " adjudged upon great and mature deliberation; " and as I never meant, as many have found, " to keep them ſo ſecret for my own private " uſe, as to deny the requeſt of any friend, to " have either view or copy of any of them; ſo, " till of late, I never could be perſuaded (as " many can witneſs) to make them ſo public, as " by any entreaty to commit them to print. But " when I conſidered how, by her majeſty's princely " care and choice, her ſeats of juſtice have been " ever, for the due execution of her laws, fur- " niſhed with judges of ſuch excellent knowledge " and wiſdom (whereunto they have attained in " the fruitful ſpring-time of her bleſſed reign) as I " fear that ſucceeding ages ſhall not afford ſuc- " ceſſors equal to them; I have adventured to pub- " liſh certain of their reſolutions (in ſuch ſort as " my little leiſure would permit) for the help of " their memory who heard them, and perfectly " knew them; for the inſtruction of others who " knew them not, but imperfectly heard of them; " and, laſtly, for the common good (for that is " my chief purpoſe), in quieting and eſtabliſhing " of the poſſeſſions of many in theſe general caſes, " wherein there hath been ſuch variety of opi- " nions."

The ſecond and third part of theſe Reports were publiſhed within the ſame reign; the fourth part appeared in the firſt year of king James, when the author was attorney-general; as alſo the fifth part, which begins with Cawdrey's caſe, from whence he takes occaſion to enter very fully into

the ſubject of the *King's Eccleſiaſtical Law* *. The ſixth part followed ſoon after. In the title to the ſeventh part, which was publiſhed in the ſixth year of king James, he ſtyles himſelf *Chief Juſtice of the Common Pleas*; and, as it appears from the preface, Calvin's caſe, being that of the *Poſt Nati*, was reported by order. The eighth part was publiſhed in ninth of king James. And in the year following the ninth part was publiſhed, in which he takes the ſame title. In the tenth Report, publiſhed in the eleventh year of king James, the author ſtyles himſelf *Lord Chief Juſtice of England*, which is thus qualified in the eleventh Report, which was publiſhed A. D. 1615. 13 James I. viz. *The eleventh part of the Reports of Sir Edward Coke, knt. Chief Juſtice of England (of pleas aſſigned to be holden before the king himſelf)*, and one of the privy council of ſtate. Theſe were all the Reports publiſhed by himſelf. The twelfth part of his Reports hath a certificate printed before it, dated Feb. 2, 5165, ſubſcribed E. Bulſtrode, ſignifying that he conceives it to be the genuine work of Sir Edw. Coke. The title of the thirteenth part is *Select Caſes in Law, reported by Sir Edw. Coke*; and theſe are aſſerted to be his, in a preface ſigned with the initial letters J. G.

Theſe Reports, which were (like all thoſe before-mentioned) originally compoſed in French, have been ſince re-publiſhed with a tranſlation,

* In anſwer to this was publiſhed, by Robert Parſons the Jeſuit, "An Anſwer to the Fifth Part of the Report of Sir Edw. Coke, &c." 4to. 1606. Of this a great character is given by biſhop Nicolſon, but, being written in a declamatory ſtyle in defence of Papal power, lord Coke did not think it admitted of any reply from him as a lawyer.

and

and a great number of authorities added in the margin by Mr. Edward Chilton, and ſubſequent editors.

Beſides the ſubjects treated of in the caſes comprehended in theſe Reports, a variety of curious and learned information, chiefly directed to the inſtruction of ſtudents, is contained in the ſeveral prefaces prefixed to them, in which the learned author ſhews his veneration for the laws and conſtitution of his country, and very ſtrongly recommends an attentive ſtudy of them, and, preparatory to that purpoſe, enters into an account of the ſeveral antient authors and treatiſes on the laws of England; but, with reſpect to theſe, it has been contended by ſome later writers, that his lordſhip was in ſome inſtances miſtaken in giving too much credit to the ſuppoſed antiquity of ſeveral remains of our earlier law-writers. It is, however, certain, that we are much indebted for our acquaintance with them to lord Coke's information concerning them, very little intelligence of that kind being to be derived from preceding law-writers *.

Lord Coke's labours in this branch of learning, independent of his other learned works, entitle him to the veneration of every ſtudent who purſues the knowledge of the laws; and his memory, as an upright judge and conſtitutional lawyer, is entitled to equal regard from every Engliſhman who values the enjoyment and protection of them, particularly for his exertions on occaſion of the petition of right, and the confirmation of it,

* See a very perſpicuous account of Lord Coke's writings by Mr. Oldys, in notes to his life in Biogr. Brit. vol. III. 697.

which was effected in parliament, 2 Car. I. principally through his means, and by which a moſt eſſential improvement was made in the fabric of our conſtitution, by aſcertaining and eſtabliſhing the right of the ſubject in a matter of the firſt conſequence; the beneficial effects of which have been generally experienced during the period of ſucceeding reigns.

The next Reporter in order of time is *Croke*, who was ſucceſſively a judge in the courts of Common Pleas and King's Bench in the ſucceeding reigns of James and Charles. His Reports conſiſt of nearly a complete ſeries of determinations occaſionally in both thoſe courts, from the 23 Eliz. to 16 Car. and may properly be conſidered as a continuation of *Dyer*; they are in general preſented in a very conciſe, perſpicuous, and accurate method; and they have accordingly obtained the character of great authenticity. The reputation of this Reporter, and the general eſtimation of his work, have probably been promoted by the advantage of having firſt led the way in diveſting this branch of legal literature of the foreign idiom, and adopting the author's native language, into which theſe Reports were tranſlated by his relation Sir Harbottle Grimſtone, Maſter of the Rolls, temp. Car. II. who alſo beſtowed great pains in their publication, and in the addition of tables and other aſſiſtances to the proper uſe of them.

Beſides the authors before-mentioned, the caſes of this period are reported by ſeveral others, ſome of whom continued to execute that taſk during the ſucceeding reign of James. Theſe are *Leonard*,

Yelverton, and *Hobart*, whoſe Reports form a valuable addition to thoſe above-mentioned, the latter having had the advantage of being re-publiſhed under the care of lord chancellor Nottingham. To theſe may be added *Owen*, *Popham*, *Noy*, *Hutton*, *Saville*, *Godbolt*, *Brownlow* and *Gouldeſbrough*, and the Collection publiſhed ſeparately under the name of *Gouldeſbrough*, which comprehend a great number of caſes determined in the ſeveral courts, but leſs diſtinguiſhed in the method of reporting, and of various degrees of authenticity: beſides theſe there are other ſmall Collections of determinations in Chancery, chiefly on points of practice, in *Cary*, and *Tothill*.

About this period ſome meaſures ſeem to have been adopted for the revival of the antient office of Reporters in the courts at Weſtminſter, William Burton, the Leiceſterſhire Antiquary, having recorded himſelf * as a Barriſter and Reporter in the Common Pleas 41 of Eliz. † and on lord Bacon's recommendation, with whom ſuch an eſtabliſhment appears to have been a favourite object, an ordinance was publiſhed, 15 Jac. directed to Sir Francis Bacon, and Sir Julius Cæſar, empowering them to appoint two Reporters of the law, with a ſalary of one hundred pounds each ‡; but it does not certainly appear who were the perſons appointed to that office, or that ſuch an ap-

* Hiſtory of Leiceſterſhire, p. 271.

† It is noticed by the author of an account of Burton, in Bibl. Topog. Brit. N° XLIX. p. 533, as a matter of ſome curioſity and doubt in the profeſſion, whether any actual appointment of this nature exiſted at that period; and that it would be a very deſirable piece of information, to know the names of thoſe who had ſuch appointment.

‡ Printed in Rymer's Fœdera, vol. XVII. 27.

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pointment actually took place, further than in the title-page of the Reports printed 1657, under the name of Sir Thomas *Hetley*, he is there ſaid to have been one of the perſons appointed as Reporters of the law; but it is remarked, by an eminent modern Reporter, that the above-mentioned Collection is far from bearing any marks of peculiar ſkill, information, or authenticity.

Of the reign of James I, beſides ſome of the authors before-mentioned, whoſe names it is thought needleſs to repeat, the firſt Reporter in order of time is *Jenkins*, who, in the ſubſequent reign of Car. I. was created a Welch judge, and who, in his Eight Centuries of Reports, has formed a ſelection from all the former books of Reports of ſuch caſes as had been judicially determined upon ſolemn arguments, or as had been affirmed by the judges in the Exchequer Chamber, upon writs of error on important points of law, from the time of Hen. III. to the 21ſt of this reign; and thus forming a ſeries of authentic judgments applicable to the more advanced ſtate of the law in this author's time, having omitted to notice the caſes under the more obſolete titles which make up ſo large a portion of the Year Books and general abridgments of the ancient law. The method obſerved is a conciſe ſtatement of the caſe, and of the determination thereupon, with reference to the authority whence it is taken: then follows generally a ſhort comment, explaining the principle of the doctrine therein contained, with ſuch further obſervations as appeared neceſſary to illuſtrate the point of law reſolved, and there recorded as an eſtabliſhed authority. The mode of reporting here deſcribed is peculiar to this

this author, and theſe Reports may properly be conſidered as a Commentary upon the judicial determinations of the former reigns, which is recommended by the learned author as an advantageous method to be purſued in the ſtudy of the law.

The chief Reporters of the latter part of this reign are *Bulſtrode*, who is ſaid to have adopted the method of *Plowden*; lord *Rolle*, whoſe Reports, as well as his other learned works, are held in great repute, from the character the author obtained in the exerciſe of his office as a judge during the time of the Commonwealth.

Other Reporters of this reign are *Bridgman*, *Palmer*, and *Wynch*; with ſome ſelect caſes by Sir William *Jones*, a Collection of caſes determined in the Court of Exchequer, reported by Sir Richard *Lane*; and another in the Court of Wards, by Sir James *Ley*, attorney general in that court; and lord *Oxford's* caſe in chancery in the 13th year of this reign, reported in 1 Chancery Rep. with ſome ſelect caſes in the courts in Ireland, very learnedly reported by Sir John *Davies*, who was attorney general in that kingdom.

Of the ſucceeding reign of Car. I. to the time of the Reſtoration of Car. II. there are very few Reporters (except thoſe before-named); theſe are *Latch*, *Littleton*, *Hetley*; which laſt, it is obſervable, contains many caſes which appear to be tranſlations of thoſe printed in the before-mentioned Collection of Littleton. To theſe may be added *March*, *Aleyn*, and *Style*, who reported towards the end of the reign of Car. I. and the latter, during the greater part of the period of the Commonwealth:

wealth. There is alſo a ſmall collection of caſes, taken within this period at the aſſizes at York, by Sir Robert *Clayton*; and ſome caſes determined in the Court of Chancery, collected by Nelſon.

During the time from the former period of the reign of Car. II. to the æra of the Revolution, the courts at Weſtminſter regained ſomewhat of their former ſtability, till towards the cloſe of that period, when the authority of the Bench is lamented to have fallen under very undue influence, and when thoſe were raiſed to principal eminence upon it who were found to be moſt capable of perverting the ſources of law to the purpoſes of arbitrary power. The Reporters of this period are very numerous; the principal of which are *Siderfin*; Sir Thomas *Raymond*; *Keble*, who has collected a conſiderable part of the caſes of this period; Sir John *Kelyng*, whoſe Reports contain caſes determined upon Pleas of the Crown; lord chief juſtice *Vaughan*, whoſe Reports conſiſt of ſelect and important caſes very fully, and it is reputed very ably reported; *Carter*; lord chief juſtice *Saunders*, whoſe reports are peculiarly valuable on account of the correct ſtate of the pleadings in the ſeveral caſes; and the former volumes of the collection which at this time firſt adopted the title of *Modern Reports*; beſides which, there are ſeveral other Reporters of good authority, of this period; theſe are *Levinz*, Sir Thomas *Jones*, *Ventris*, *Freeman*, *Shower*, *Skinner*, *Lutwych*, who was alſo principally attentive to a correct ſtatement of the pleadings. Theſe, with *Comberbach*, *Carthew*, and *Caſes of Settlement*, are all the Reporters of the Common Law Courts; but about this time the determinations of the Court of Chancery ſeem to have been

been attended to, as of greater weight and conſequence than in the former reigns, particularly thoſe of lord chancellor Nottingham, and his immediate ſucceſſors. The Reporters of theſe caſes are the anonymous authors of the books ſeverally entitled, Reports in Chancery; Caſes in Chancery, which alſo contains the celebrated caſe of Perpetuities, or duke of *Norfolk's* caſe, with ſeveral other ſelect and important caſes; and *Reports in Chancery, tempore* lord Finch. To theſe may be added a part of the Collection of *Freeman's* Reports, ſome ſpecial caſes reported by *Pollexfen*, and the Collection by *Vernon*, which commences about the end of the period we are mentioning, and continued during ſeveral ſubſequent reigns. There is alſo, within this period, a Collection of Caſes determined in the Court of Exchequer, chiefly on matters of revenue, reported by Sir Thomas *Hardres*, and a few caſes of the ſame time, and on the ſame ſubject, in the Reports publiſhed by the late lord chief baron *Parker*.

It is now propoſed to proceed in our account of the ſeveral Reporters, from the æra of the Revolution to the end of the reign of Q *Anne*, during which period the authority of the courts was reſtored and eſtabliſhed upon the firm principles of integrity and conſtitutional knowledge, under the preſidency of lord chief juſtice *Holt*, and the great names which reſpectively ſucceeded to the more eminent ſtations on the bench of our ſeveral courts. From this period, therefore, it is preſumed, that the determinations of the courts are properly entitled to the more immediate attention of the modern lawyer, and it will very much encourage and facilitate his progreſs in the ſtudy

of this part of the law, to find it recorded more fully and generally, in a leſs dry, uninſtructive, and technical method than in the Reports of the former reigns.

Beſides the continuance of the labours in the office of Reporter of ſeveral of the authors before-mentioned, the determinations of lord Holt are reputed to be ably reported by Mr. Serjeant *Salkeld*; this Collection having been originally publiſhed under the care of lord Hardwicke, and has ſince received the improvement which the nature of ſuch works admit of, from the hands of Sir Knightly Danvers, and laſtly of Mr. Serjeant Wilſon. The caſes of this period are alſo well reported by lord *Raymond*, to the latter publication of which, ſome improvement by references to modern authorities on the ſame points of law, was made by the laſt mentioned editor *.

Other Collections of adjudged caſes of this period are, *Reports temp. Will.* III. which are now uſually ranked as the 12th *Modern*; *Reports temp. Holt*; and towards the end of the reign of Will. III. and the ſubſequent part of the period above-mentioned, there are ſome caſes reported by lord chief baron *Comyns*, chiefly in the Court of Exchequer, ſome others in the ſame court by *Bunbury*, and ſome ſpecial caſes in the ſeveral courts by lord *Forteſcue*.

Theſe, in addition to ſeveral other volumes of the Collection uſually intitled *Modern Reports*, and a few leſs general collections, viz. *Practical Re-*

* A further republication of this Reporter is now under reviſal, and is intended to be improved with the neceſſary information of the many modern authorities, which are grounded upon or which have confirmed the judgments herein reported.

giſter

giſter in the Common Pleas; *Caſes of Practice in the Common Pleas*; *Seſſions Caſes*; and a ſmall volume of *Caſes in the King's Bench*, attributed to lord chief baron Gilbert, are all the Reports of adjudged caſes in the common law courts, which originated within the period we have been noticing.

Some ſelect caſes determined in the ſupreme court of Equity, are learnedly reported by Sir Barth. *Shower*, in his Parliament Caſes, in which Collection the arguments of the counſel as well as of the judges are recorded in a very able manner; this mode of reporting, however valuable in itſelf, and deſirable, more particularly to the profeſſion, was thought an infringement upon the privileges of the Houſe of Lords, and the publiſher was accordingly called to the bar of that Houſe for the publication of it.

The determinations that took place during this period in the Court of Chancery, are in part extant in *Gilbert's Reports*. and are eſteemed to be well reported in the Collection, intitled *Precedents in Chancery*, but it is not generally known to whoſe hand the public is indebted for this valuable Collection; it may, however, be of more uſe to inform the ſtudent, that a republication of it has lately been made, with the advantages of marginal notes and references to the more modern authorities, which have been founded upon, or which are relative to, the doctrines contained in theſe caſes, by *Thomas Finch*, Eſq. Beſides theſe, the determinations of this court have (according to the general opinion) at no period been tranſmitted with greater accuracy, perſpicuity, and authenticity, than in the collection of *Peere Williams*, whoſe method of reporting is acknowledged

to be the beſt calculated to give a ſatisfactory knowledge of the caſe before the court, and of the arguments produced in the ſupport of it, as well as an accurate ſtate of the reaſons adduced in giving the decree; theſe advantages, added to the great number of important caſes which it contains, have concurred to render this Collection the principal ſource of authority in the determination of later caſes in this court; from which circumſtance the doctrines contained in the ſeveral caſes, having become more accurately defined and explained by ſubſequent adjudications, may therefore be conſidered as forming the corner ſtone on which the preſent ſyſtem of our court of Equity is eſtabliſhed. Towards the proper and advantageous uſe of this work, it ſeemed a neceſſary and deſirable object to the modern lawyer to make a republication of it, and to form a correſpondent arrangement of the authorities which have during the ſubſequent reigns been determined on the principle of the caſes herein reported; this taſk has been undertaken by a gentleman * whoſe peculiar attendance has been at the Chancery bar, and who, in the opinion of all who are moſt converſant in the learning of that court, has executed that valuable purpoſe with equal credit to himſelf and advantage to the profeſſion, and with ſo much improvement of the original work, as to have procured him, in a very honourable manner, the approbation of the preſent ſupreme judge of that court of Equity.

In addition to thoſe above-mentioned, it is now intended to notice the authors who undertook the

* Samuel Compton Cox, Eſq. of Lincoln's Inn.

taſk

taſk of reporting during the reigns of Geo. I. to the latter end of Geo. II. Thoſe of the common law courts are *Strange*, who reported during the greater part of this period, and the following, who have reported at different intervals of it; the authors of the *Modern Reports*, vol. VIII. X. *Barnardiſton—Fitzgibbon—W. Kelynge--Cunningham—Reports, K. B. temp. Hardwicke. Andrews—Wilſon—Blackſtone*, and *Sayer*. *Foſter's Reports of Crown Caſes*; and *Barnes's Caſes of Practice in the Common Pleas* *.

The Equity Reports peculiar to this period, and additional to thoſe mentioned under the former period, are *Modern Reports*, IX. X. *Select Caſes in Chancery—Moſeley* and a part of the Collection of *W. Kelynge*, being chiefly in the time of lord King. *Caſes temp. Talbot*, which Collection was made by the late Mr Forreſter, and has the reputation of being one of the beſt Equity Reports extant †. To theſe may be added, the caſes of a ſhort time in *Barnardiſton*.—Others in *Vezey* ‡,

* Of this period the late Sir James Burrow left a Collection of reported Caſes, of which it is under conſideration to publiſh that part immediately preceding thoſe already in the hands of the profeſſion by the ſame author.

† The general approbation of theſe Reports has very much excited a deſire among many intelligent perſons in the profeſſion for the publication of the later caſes in the ſame court, which are ſaid to be extant in MS. of the ſame author.

‡ A republication of this Collection has lately appeared, in which ſome notes are added by the author, generally applicable to the modern authorities; but it is obſerved, that he has not fully availed himſelf of the advantages of the later printed authorities, and of other aſſiſtances towards a more accurate republication of this work, which may in part be accounted for by the author's remote reſidence from the Records of the court, being a maſter in chancery in Ireland.

and

and *Atkyns*, being all of the time of lord Hardwicke's * preſiding in the court of Chancery.

It is here further propoſed to notice ſuch authors as engaged in the office of Reporter during the latter part of the reign of Geo. II and as have continued to report caſes of the preſent reign, or at any interval from that time to the preſent period. This term comprehends the period of upwards of thirty years, during which the preſent chief juſtice of the King's Bench has held that eminent ſituation, and during which the Courts have been uniformly filled with characters of diſtinguiſhed eminence for learning and integrity. It has been obſerved (by thoſe who had competent knowledge on that head), that within this period the practice of the court of King's Bench in particular has very much increaſed, and that the buſineſs of it was at no former period conducted with more unanimity and diſpatch than within the period now under our notice, which is alſo rendered further memorable by the liberality of that meaſure of the Crown at the commencement of the preſent reign, by which the appointment of the judges was eſtabliſhed upon the footing of a more permanent independence, and which, while it remains a conſtitutional landmark of ſecurity to future times, will prove a noble record of the regard of our preſent Sovereign for the preſervation of the laws and conſtitution †, and not leſs ho-

* Of this period a valuable Collection of MS. Reports of caſes in the court of Chancery is extant in the hands of a gentleman of Lincoln's Inn, who has it in contemplation to give them to the public.

† It is obſerved by a learned and elegant writer, that this meaſure reflects the greater honour on our preſent Sovereign, as it ſeems that a bill of this kind was offered in the year 1692, and was then refuſed the royal aſſent. EUNOMUS IV. 41.

nourable to the judges in whoſe more immediate favour the conceſſion was conferred. The firſt Reports of this period in the common law courts are thoſe of Sir James *Burrow*, who, from a ſeries of many years attendance on the court of King's Bench in an official capacity, and from a conſtant habit and attention to accuracy, in preſerving notes of the buſineſs that occurred in the court, and being further aſſiſted by the Records which paſſed through his hands in the courſe of his office, was peculiarly enabled to give a Collection of the caſes from the 26th Geo. II. to 12 Geo. III. in which generally the arguments of the counſel as well as thoſe of the court are related in a very full and accurate manner, and in a method adapted to give a regular view of the actual progreſs of the cauſe as it occurred in court; which of courſe led the Reporter into a more diffuſe and circumſtantial detail of the arguments than has in general been thought neceſſary by other Reporters, but which appears to have been conſidered by the author as eſſential to an exact Report of the caſe, as well as conducive to the improvement of the ſtudent. Theſe Reports have accordingly maintained a great degree of reputation with the profeſſion; and it may reaſonably be preſumed, that the many important caſes therein contained, which have, as it ſeems, originated on points of law ariſing out of the advanced ſtate of ſociety and commerce among us, and which have conſequently made it neceſſary to extend a liberal mode of conſtruction to the more ſtrict and technical principles of former periods, muſt of courſe give additional conſequence to the determinations herein reported, and render this collection a work

of

of the firſt neceſſity in the library of a modern lawyer.

The ſame author publiſhed alſo in a ſeparate Collection, *Reports of the Deciſions of the Court of King's Bench upon Settlement Caſes, from the time of the death of Lord Raymond in* 1732 *to the* 16*th Year of the preſent reign, A. D.* 1776, having, during that whole ſpace of time, uniformly attended that court, and made it a part of his employment to record the proceedings of it; and in this part of his labours he had the ſatisfaction of being greatly inſtrumental in promoting the knowledge of this hitherto much litigated branch of law, which from the experience of later years is found to be productive of much fewer appeals to the Court of King's Bench than heretofore, which beneficial effect is in a great meaſure to be attributed to the merit of this work. In this place it may be proper to mention, that a further publication of the caſes relating to ſettlements from the period to which they are reported by Sir James Burrow, with ſuch others as concern the office of a juſtice of peace has been undertaken by Mr. *Caldecott*, who is generally known to be peculiarly converſant with that branch of the law, and who purpoſes bringing down his publication to the year 1785.

The former part of the Reports of Mr. Juſtice *Blackſtone* contains caſes determined in the court of King's Bench, from the commencement of the period here under notice to the 10th Geo. III. but they are not received by the profeſſion with that approbation which has followed all the other writings of that great lawyer. The Caſes of the court of King's Bench, immediately ſubſequent to thoſe of Burrow, have been reported from the

12th

12th to 14th of the preſent reign * by Mr. Capel *Loffi*, whoſe Collection is ſaid to contain ſome important caſes, but which, from a haſty mode of publication, is reputed to be very inaccurate, and has accordingly not met with that favourable reception which the labours of thoſe who engage in this kind of works are uſually intitled to from the profeſſion. The adjudged caſes of the ſucceeding years from the 14th to the 18th Geo. III. reported by Mr. *Cowper*, are acknowledged to be a very accurate and valuable Collection, the method of reporting, adopted by this author, having equally avoided the objections of too great diffuſeneſs and of obſcure brevity. The Reporter of the time immediately following, viz. 19 to 21 Geo. III. (though ſomewhat prior as to the time of publication) is Mr. *Douglas*, who is alſo well known as the Reporter of ſome caſes of controverted elections in the Houſe of Commons, and whoſe Reports of adjudged caſes in the court of King's Bench are eſteemed, by the general approbation of the profeſſion, to be executed in the method beſt calculated as well for tranſmitting with accuracy the determinations of the courts, as for the advantageous uſe and improvement of the practitioner and the ſtudent: the preface to this Collection contains a general account of the different methods of reporting caſes, with certain ſtrictures which the author had laid down to himſelf in framing his Reports, which are highly worthy the attention of future adventurers in this walk of legal literature. The author's execution of this part of his undertaking, makes it an object greatly deſirable

* A Collection of the Caſes of this time has been made by another gentleman of the bar, with a view to publication.

to the profeſſion to be poſſeſſed of the ſubſequent part of his labours, commencing with the 25th Geo. III. * which has been ſome time ſince in preparation to be preſented to the public.

The office of Reporter in the court before-mentioned has been undertaken from 26 Geo III. incluſive, to the preſent time, by Mr. Durnford and Mr. Eaſt, who have met the general deſire and convenience of the profeſſion in a very ſpeedy publication of the determinations of that court at the cloſe of each term, in the execution of which they have acquired a great ſhare of approbation, and the reputation of great attention, and of as much accuracy as the very expeditious mode of publication will admit, having in general adopted the method of their immediate predeceſſors in this office.

Theſe form the Reporters during the preſidency of the preſent chief juſtice of the court of King's Bench, of which period it may be conſidered as a fortunate circumſtance, that ſo many learned Reporters have undertaken to record the many important determinations that have taken place, and that that ſervice has not been left to be ſupplied (as it has been complained of during former periods) from the mere ſcraps of dead mens papers.

The adjudged caſes of the court of Common Pleas of the former part of this period to the 14th Geo. III. are eſteemed to be well reported by Mr. Serjeant *Wilſon*, who has in many of the more

* The intervening time betwixt Mr. Douglas's Reports and the intended Collection above-mentioned, being 22 to 24 Geo. III. will probably be ſupplied from the hands of a gentleman whoſe labours in this office have been already noticed.

important

important caſes given a ſtatement of the pleadings, which add very much to the value and authenticity of theſe Reports. The caſes of this court, from 11 to 20 Geo. III. are alſo reported by Sir William *Blackſtone*, being the period of his holding the ſeat of judge on that bench.

The determinations of the court of Chancery, of ſo much national importance to be recorded, have, till lately, been leſs generally made public than thoſe of either of the other courts, it being obſervable, that there is no Collection of theſe caſes extant for above twenty years after the death of lord Hardwicke, from which period the determinations of lord Northington, lord Camden, and lord Bathurſt, with thoſe of ſeveral intermediate commiſſions of the great ſeal, are wholly wanting *. The office of Reporter in this court has been undertaken, from the commencement of the preſent chancellor's preſiding in it, by Mr. William *Brown*, whoſe Reports contain ſome notes of caſes determined by the preceding chancellors, which have occaſionally been produced as authorities in the determinations of theſe latter caſes. The original Collection of theſe Reports, which has been favourably received by the profeſſion, is further continued by two publications of the caſes determined in the years 1786 and 1787, and is intended by the author to be ſtill further continued at the cloſe of each ſucceeding year.

There are very few caſes of this period of determinations in the Exchequer, the Reports of

* The ſcarcity of determinations extant in print of this period, render it a very deſirable object, that the caſes which are reputed to have been taken by an eminent barriſter in this court, ſhould be made public.

the late chief baron *Parker* being the only collection of them, which conſiſt (beſides ſome caſes of former reigns as before noticed) of determinations on matters of revenue down to 6 Geo. III. *

The caſes determined in the laſt reſort in the high court of Parliament upon appeals, which, from their great importance and authority, had been much a *deſideratum* in the Lawyer's library, have of late years been ſelected and brought forward into more general acquaintance and uſe, out of the very looſe and undigeſted form in which they long remained; this publication contains the important information of a great number of caſes, in which the deciſions of the courts below have been eſtabliſhed, and of ſuch others as have been reverſed, and conſequently not to be relied upon as authorities, however they may ſtand undiſtinguiſhed in the ſeveral collections of the prior determinations of thoſe courts: This laborious ſervice has been performed by Mr. Joſiah *Brown*, whoſe Collection now conſiſts of ſeven volumes, and comprehends the caſes ſo collected from the beginning of the reign of Q. Anne to the 19th year of the preſent reign, from which period it is hoped, that the liberal communications which have of late years been made to the public of the determinations of this ſupreme court, as well as of thoſe originating in the other houſe of Parliament, will excite further induſtry in recording the important judgments of the high court of Parliament.

* Of the determinations of this period in the court of Exchequer, there are, it is ſaid, a conſiderable number extant in MS. in the poſſeſſion of the gentleman by whom they were chiefly taken, who has it under conſideration to publiſh them.

The

The foregoing account contains notice of all the authors who have ſucceſſively undertaken the office of recording the determinations of our courts: for more particular information as to the reſpective periods during which they have exerciſed that office, the reader is referred to the enſuing table; and to thoſe who are more immediately engaged in the peruſal of theſe legal records, or who have frequent occaſion of reſorting to their authority, it is preſumed to recommend the uſe of a CHRONOLOGICAL TABLE OF THE REPORTS *, which exhibits more readily, at one view, the ſeveral Reporters of any preciſe period of time from the reign of Edw. I.

* See a fuller deſcription of its conſtruction and uſe, BIBL. LEG. ANG. P. I. *tit.* TABLES.

TABLE OF COTEMPORARY REPORTERS.

HEN.	III.	JENKINS, 4, 19, 21.
EDW.	I.	Year book, part I. Jenk. 18, 34.
EDW.	II.	Year book, part I. Jenk. 5, 15, 18.
EDW.	III.	Year book, parts II, III, IV. part V. [Lib. Aſſiſar.] Keilw. Jenk. 1 to 47, Benl. 32.
RICH.	II.	Bellewe. Jenk. ſeveral years.
HEN.	IV.	Year book, part VI. Jenk.
HEN.	V.	Year book, part VI. Jenk.
HEN.	VI.	Year book, parts VII. and VIII. Jenk. Benl. 12, 18.
EDW.	IV.	Year book, part IX. X. (long quinto) Jenk.
EDW.	V.	Year book, part XI. Jenk.
RICH.	III.	Year book, part XI. Jenk.
HEN.	VII.	Year book, part XI. Jenk. Keilw. 12, 13, and 17 to 24. Benl. 1. Moore 1. *Cafel's caſe.*

HEN.

HEN. VIII. Jenk. Keilw. 1 to 11 and 21. Moore 3, &c. Dyer 4, &c. N. Benl. 22, &c. And. 25, &c. Dal. 38. Year book. Benl. Benl in Keilw. and Aſhe, B. N. C. ſeveral years.

EDW. VI. Jenk. Moore, Dyer, N. Benl. And. B. N. C. Benl. Dal. 2, &c. Plowd. 4, &c.

MARY. Jenk. Moore, Dyer, N. Benl. And. Benl. Dal. Plowd. Owen, 4, 5, &c. Cary 5, &c. Leonard, 6. Benl. in Keil. and Aſhe 1 to 5. Dal. in Keilw. and Aſhe 3, 4, 5. B. N. C. 1 to 5.

ELIZ. Jenk. Moore, And. Leon. Owen, Noy, Cary, Tothill, Hobart, *a few caſes.*

Dal. - - 1 to 16
N. Benl. 1 - 17
Benl. - 1 - 21
Plowd. 1 - 21
Dyer - 1 - 23

Dal. in Keil. and Aſhe - - 2 to 7
Ben. in Keil. and Aſhe - 2 - 20
Saville - - - 22 - 36
Hutton - - 26 - 38
Gouldſb. - 28 - 31
—— 39 40 - 43
Poph. - - 34 - 39
Yelv. - - 44 - 45

Brownl. & Gould - 11 } to the end.
Coke - - 14 }
Godb. - - 17 }
Croke - 24 }

JAMES I. Croke, Hobart, Noy, Godb. Brownl. and Gould. Tothill.

And. - 1
Cary - 1
Yelv. - 1 to 10
Leon. - 1 - 12
Owen - 1 - 12
Coke - 1 - 13
Moore - 1 - 18
Jenk. - 1 - 21

Davis - - 2 to 9
Lane - - 3 - 9
Bulſtr. - 7 - 15
Bridgm. 12 - 19
Rolle - 12 - 22
Rep. in Ch. *Ld. Oxf. ca.* 13

Ley - - - - 6 } to the end.
Hutt. - - 10 }
Poph. - 15 }
Palm. - 17 }
W. Jon. - 18 }
N. Benl. - 19 }
Winch. - 19 }

CHARLES I. Noy. Rep. in Chan. Nelſon.

Poph. - 1 to 2
Latch. - 1 - 3
N. Benl. - 1 - 3
Ley - - 1 - 4
Palm. - 1 - 4
Godb. - 1 - 13
Hutt. - - 1 - 14
Bulſtr. - 1 - 14
Croke - 1 - 16

W. Jon. - 1 to 16
Toth. - - 1 - 21
Littlet. - - 2 - 7
Hetl. - - 3 - 7
March - 15 - 18
Clayton - 7 - } to the end.
Style - - 21 - }
Aleyn - - 22 - }

CHARLES

CHARLES II. Reports in Chan. Nelſon.

Clayton - 1 to 2
Style - - 1 - 7
Hard. - - 7 - 21
Siderf. - 9 - 22
Caſ. in Ch.
p. 1. - 12 - 30
Raym. 12 - 35
Keb. - 13 - 30
Kel. - 14 - 20
Vaugh.- 17 - 25
Carter - - 16 to 27
Saund. - - 18 - 24
1ſt Mod. - 21 - 29
2d Mod. - 26 - 30
Rep. temp.
Finch - - 25 - 32
Parker - 30
Sel. caſ. in ch. - 33
D. of Norfolk's caſe
Lev. - 12
T. Jon. 19
Ventr. 20
Freem. 22
Pollexf. 22
Ca. in Ch.
part 2. 26
Shower 30
Vern. - 32
Skinner 33
3d Mod. 34
Lutw. - 34
} to the end.

JAMES II. Levinz, Freeman, Lutwy. Shower, Ventris, Vernon, Skinner, 3d Mod. Comberbach.

Ca. in ch. p. 2. - 1 to 3
Rep. in ch. - 1 - 3
Ca. of ſett. - 2
Carth. - - 2
Parker - - 3
} to the end.

WILLIAM III. Freeman, Lutwy. Vernon, Preced. in Chan. Salkeld Rep. temp. Holt, Caſ. concern. Settlements.

Ventr. 1 to 2
3d Mod. 1 - 2
Shower 1 - 6
Lev. - 1 - 8
Skinn. 1 - 9
Comb. 1 - 10
Carth. 1 - 12
4th Mod. - 3 to 7
5th Mod. 2 - 5 - 11
Parker - 4 - 10 - 13
S. C. C.
D. of Albemarle's Ca. 5
Bath v. *Montague* - 9
Rep. in Ch. v. 2.
D. of Albemarle's Ca. 5
Kelyng
Armſtrong v. *Liſle* - 8
Rex v. *Plummer* - 13
12th Mod. 2
Ld. Raym. 4
Comyns 7
P. Will. 7
Forteſc. - 7
} to the end.

ANN. Ld. Raym. Comyns. Preced. in Ch. P. Will. Vernon, Brown, Forteſcue, Caſ. conc. Settlements.

7th Mod. 1
Lutw. - 1 to 2
Frem. - 1 - 5
Rep. *temp.*
Holt. - 1 - 9
Salk - - 1 - 10
6th Mod. - 2 to 3
11th Mod. - 4 - 8
Rep. in Ch. 4 - 8
Kelyng
Rex v. *Mawgridge* - 5
Parker - - 6 - 12
Pr. Reg.
C. P. - 3
Gilb. - - 4
Ca. of Pr.
C. P. - 5
10th Mod. 8
Seſſions Ca. 9
Gilb. Ca. 12
Bunb. - 12
} to the end.

GEORGE

GEORGE I. Comyns, P. Will. Forteſcue, Bunbury, Brown, Seſſions Caſes, Caſes conc. Settlements, Pract. Reg. C. P. Caſes of Pract. C. P.

Ld. Raym.	—	—	1	Strange	—	2
Vernon	—	—	1 to 5	Ld. Raym.	—	10
Pr. in Ch.	—	—	1 - 8	Barnard. K. B.	—	12
10th Mod.	—	—	1 - 11	Moſeley	—	12
Gilb.	—	—	1 - 12			
Parker	—	—	- 4			
8th and 9th Mod.	—		8 - 12			
Sel. Ca. in Ch.	—		10 - 12			

to the end.

GEORGE II. Brown's Parliament Caſes.

Moſeley	—	—	1 to 3	Kelynge	—	4 - 8
Fitzgib.	—	—	1 - 5	Sel. ca. in ch.	—	6 -
Caſ. of ſett.	—	—	1 - 5	Cunningh.	—	7 - 8
Ld. Raym.	—	—	1 - 6	Ca. temp. Talb.	—	7 - 10
Barnard. K. B.	—		1 - 7	Rep. temp. Hardw.		7 - 10
P. Will.	—	—	1 - 8	Atkyns	—	9 - 27
Forteſc.	—	—	1 - 10	Andr.	—	11 - 12
Comyns	—	—	1 - 13	Barnard. ch.	—	13 - 14
Bunb.	—	—	1 - 14	Wilſon, K. B.	—	16 - 26
Pract. Reg. C. P.	—		1 - 15	Blackſtone	—	20 - 24
Ca. of pr. c. p.	—		1 - 20	Vezey	—	20 - 28
Seſſions Caſ.	—	—	1 - 20	Sayer	—	25 - 29
Strange	—	—	1 - 21	Barnes	—	5
				Burrow's, S. C.	—	5
				Parker	—	16
				Foſter	—	16
				Wilſon, C. B.	—	26
				Burrow	—	30
				Backſtone	—	30

to the end.

GEORGE III.

Parker	—	—	1 to 6	Lofft	—	12 to 14
Burrow	—	—	1 - 12	*Caſe of Gen. War.*		3
Wilſon, C. P.	—	—	1 - 14	Cowper	—	14 - 18
Burrow, S C.	—	—	1 - 16	Douglas	—	10 - 21
Brown Parl. C.	—		1 - 19	Durnford and Eaſt		26 - 28
Blackſtone	—	—	1 - 20	Brown Chan.	—	18 - 27

IX. Of the principal LITERARY WORKS on the LAW and CONSTITUTION which have been publiſhed within the preſent reign.

THE Æra of the preſent reign has been peculiarly fertile in literary productions illuſtrative of our Law and Conſtitution. Theſe additions to the Lawyer's library have, in part, been formed from the neceſſary accumulation of new laws, and the expoſition and conſtruction of of thoſe of former times; but they may alſo, in a great meaſure, be reaſonably attributed to a progreſſive enlargement and liberality which has obtained in this ſcience as well as in the other branches of learning. The conſequent improvement of method, which has taken place in other ſubjects of literature ſeems at length to have been applied to the law, which, in former times, appears to have been conſidered as not at all capable of being rendered with ornament, or even of being diveſted of that rugged dreſs in which it had been enveloped during ſo many ages.

The general ſyſtems of our law, as compoſed by former Law-writers, had been chiefly grafted upon each other, their authors in general having adopted the method of thoſe which preceded them, notwithſtanding the important alterations that had taken place in the mean time. Mr. Viner, in the former reign, by a too cloſe adherence to the method and arrangement of lord Rolle's Abridgment, is cenſured by an eminent modern Law-writer, as having rendered his work

far leſs perfect and accurate than it would have been under an arrangement more correſpondent to the ſtate of the law, ſince the important alterations made in it by the abolition of military tenures, and other changes which it had undergone ſince the compilation of Rolle's Abridgment.

Theſe conſiderations probably induced the author of the valuable work entitled, the *New Abridgment*, to collect under diviſions, or general titles coincident with the more modern ſtate of the law, the ſubſtance of the antient authorities, as well as more recent determinations, which are in general methodized and digeſted in ſo luminous and ſcientific a method, as ſtrongly to confirm the opinion, that the original compilation was the work of that great lawyer Baron Gilbert, whoſe peculiar fate, as an author, it was to have ſeen no one of the many works that are aſcribed to him made public, which circumſtance partly accounts for the very incorrect manner in which ſome of them now appear. With reſpect to the work now under notice, it was in part publiſhed from the preſs in the former reign, by Matthew Bacon, Eſq. the ſubſequent part of it, ſucceeding the title *Sheriff*, having been ſupplied by Owen Ruffhead, Eſq. and the late Mr. Serjeant Sayer, about the beginning of the preſent reign. About the ſame time appeared lord chief baron *Comyns's Digeſt of the Law*, which being founded upon an entire new and comprehenſive ſyſtem of arrangement, and framed upon an accurate and ſcientific diſtribution of the ſeveral parts of our juriſprudence, is eſteemed the moſt perfect model of an abridgment or ſyſtem of our law. The method, however, of digeſting the ſubſtance of the ſeveral caſes being very

very cloſe and conciſe, the uſe of this work is more particularly advantageous to the experienced barriſter, in furniſhing a ready reference to the caſes as recorded at large in the books of Reports, and other authorities.

From theſe materials, which may be conſidered as the eſſential ſubſtance of our law, has been extracted a moſt ſcientific and accurate analyſis of its ſeveral parts and relations, which again formed the outline and ground-work of that elegant, perſpicuous, and comprehenſive method of inſtitution, which is, perhaps, not excelled in any other ſyſtem of law: theſe are Mr. Juſtice *Blackſtone's Analyſis and Commentaries on the Laws of England*. This latter work has very much contributed to diffuſe the general knowledge of our law, and has, it is thought, greatly altered the courſe of ſtudy of that ſcience, having, it is apprehended by ſome, from the peculiar elegance of its compoſition, given a diſtaſte to the more dry and technical elementary books, which had formerly been conſidered as neceſſary ingredients to be digeſted in purſuing a ſcientific method of ſtudy of our juriſprudence.

We are indebted for the original plan and deſign of this work to the inſtitution of the Law Lecture, founded in the Univerſity of Oxford by the late Mr. Viner, author of the Abridgment of the Law, whoſe memory, it is probable, will be recorded by this monument of legal literature, far beyond the fame of his own voluminous labours, and by which the name of its learned author will be perpetuated in the rank of the moſt claſſical and poliſhed writers of our nation.

The public is alſo in poſſeſſion of a further portion of the fruits of this liberal inſtitution in the *Elements of Juriſprudence*, being the preliminary part of a courſe of lectures, by the preſent Vinerian profeſſor, Dr. Woodeſon, whoſe execution of this part of his office makes it very deſirable to ſee the enſuing part of theſe lectures, which muſt neceſſarily, from the nature of the ſubject of them be more generally intereſting and important.

Another author, who has very much illuſtrated the principles of our laws and conſtitution, and given an inſtructive and rational account, of the ſeveral branches into which the practice of the law is divided, and has alſo recommended, with much learning and elegance, a liberal and enlarged method of ſtudy in that ſcience, pointing out its neceſſary connexion with the other branches of literature, is the writer of *Eunomus, or Dialogues upon the Law and Conſtitution of England*. This work, from the circumſtance of having chiefly been written before the celebrated Commentaries above-mentioned, and from having appeared ſome time after, is leſs generally known than its acknowledged merits, as a literary production, indiſputably intitle it to. It was not, however, within the plan of this work to give an actual ſyſtem of the law, and it muſt alſo be acknowledged, that however excellently the perſpicuous and comprehenſive method adopted by the learned author of the Commentaries, is calculated to give a general view of the ſeveral objects of our laws, it was not intended to convey an adequate account of the ſeveral component and technical parts of them, the knowledge of which is indiſpenſably neceſſary to enable the ſtudent to proceed with advantage

tage and effect to the perusal of the more antient authors and scientific topics of the law.

This intermediate object forming so necessary a part of the institution of an English lawyer, was, however, not overlooked by that learned author, who, in a supplementary chapter to the work before-mentioned, exhibited a very concise and elegant outline of an English juridical history, observing in the same place, that the plan of that work did not there admit of entering, with any degree of minuteness, into the discussion of the points and doctrines of which it is composed.

The execution of that design, comprehending the origin, progress, and various mutations of the several parts of our law, has been since undertaken by Mr. *Reeves*, in his *History of the English Law*, and who has, in a late republication of that work further pursued that enquiry in a regular and progressive order, from the time of the Saxons down to the reign of Q. Elizabeth, from which period he observes, that the materials of our laws are more generally known; and have fallen more immediately under the notice of our modern law-writers; and that the investigation here made into the origin of English tenures, the law of real property, the nature of writs, and the antient and more simple practice of real actions, may, perhaps, facilitate the student's passage from Blackstone's Commentaries to *Coke upon Littleton*, and better qualify him to consider the many points of antient law which are discussed in that learned work.

The original composition of this last-mentioned work is generally celebrated as the principal pillar

pillar on which the ſuperſtructure of the law of real property in this kingdom is ſupported, and upon which the valuable Commentary of lord Coke has uniformly been conſidered by the moſt eminent lawyers as the reſult and repoſitory of all his learning on the ſubjects therein treated of; of this work a republication has of late years been made, which, independent of the valuable annotations of lord *Hale*, and lord chancellor *Notti gham*, has been improved by the labours of two gentlemen of eminence in this branch of the profeſſion, Mr. *Hargrave* and Mr. *Butler*, the former of whom, after having adopted the undertaking from a peculiar partiality and reverence for the original work, and beſtowing upon it a great part of the labours of ten years, found it neceſſary to relinquiſh the completion of his deſign, which has been reſumed and executed with the reputation of great profeſſional knowledge and induſtry by the latter gentleman, who has lately brought the work to a period, and concluded an undertaking which has increaſed in magnitude and eſtimation far beyond the intentions and expectations originally entertained in the republication of it.

The law of tenures, and the important law of real property, have alſo been illuſtrated by ſeveral other publications of reputation; to which purpoſe *Dalrymple's Eſſay on Feudal Tenures*, and the productions that followed it, have very much contributed. The *Lectures* read in the Univerſity of Dublin, by profeſſor *Sullivan*, are alſo much eſteemed on this ſubject. The general law of aſſurances, and of conveyance, or transferring of property, has been further explained by the judi-

cions and valuable republication of the work entitled *Touchſtone of Common Aſſurances*, which is generally conſidered by the learned in this peculiar line of the profeſſion, as a work of principal authority in this branch of ſcience, and which is greatly advanced in eſtimation by the additions that have been made in the republication abovementioned in the nature of a commentary of the modern law upon the ſubject, by Mr. *Hilliard*. Several diſtinct ſubjects of this branch of law have alſo been treated with great learning and perſpicuity: in particular, the *Eſſay on the Learning of Contingent Remainders*, by Mr. *Fearne*, is reputed to poſſeſs not only all the advantages that a work written upon a very important, comprehenſive, and abſtruſe ſubject neceſſarily commands, but has exhibited convincing evidence of the ſtrength and acuteneſs of the author's intellectual powers, and affords a proof of the advantages to be derived from the application of a ſtrict analytical method to the diſcuſſion of legal topics. The *Eſſay on Fines and Recoveries*, written profeſſedly on the model of the above-mentioned work, by Mr. *Cruiſe*, is eſteemed not unworthy the deſign, and is reputed to do great credit to the author's ability in the branch of learning peculiar to the practice of conveyancing. Mr. *Powel's treatiſe of the Law of Mortgages* is received as a uſeful Collection and Digeſt of the Caſes determined on that ſubject, and of the doctrines ariſing out of thoſe determinations. The *Eſſay on the Creation and Execution of Powers*, by the ſame author, is alſo well received by thoſe who are more peculiarly deſirous of information in this kind of law ſubjects.

There

There are alſo ſeveral late publications on general ſubjects relative to the theory of various diſtinct titles of law, which are entitled to peculiar approbation. Of theſe, Sir William Jones's *Law of Bailment*, affords an elegant ſpecimen of a method of treating law-ſubjects, which it is hoped will excite the emulation of future writers, and that it may not ſtand ſingly among the author's learned works, illuſtrative of the laws of diſtant kingdoms, as the only one profeſſedly written on the law of his native country.

The Bankrupt law has lately been reduced under a more methodical diſtribution and arrangement, and the principles of the determinations thereon illuſtrated, with a great profeſſional ſkill and knowledge in the work, entitled *Syſtem of the Bankrupt Law*, by Mr. Cooke, of whoſe work an improved edition is ſhortly expected.

The law of Inſurance, which has acquired a great degree of importance and tendency towards perfection, more particularly under the determinations that have taken place during the preſidency of the preſent chief juſtice of the King's Bench, has been methodized by Mr. Park, in his *Syſtem of the Law of Inſurance*, in which the ſubject is well arranged under the ſeveral diviſions incident thereto, and according to the ſeveral principles which have been adopted in the determinations on this more modern branch of Engliſh juriſprudence.

The doctrines of our Criminal Law are very learnedly diſcuſſed in the *Diſcourſes on the Crown Law*, by Mr. Juſtice *Foſter*; and the principles of it as applicable to general policy, and the dictates

tates of humanity are elegantly illuſtrated in Mr. *Eden's* work, intituled, *Principles of Penal Law*; as alſo in the marquis Beccaria's Eſſay on Crimes and Puniſhments. The ſubject is alſo treated of in Mr. Dagge's Conſiderations on Criminal Law.

The knowledge and practice of this branch of our law are alſo much promoted by the republication of the learned and comprehenſive work of Mr. Serjeant Hawkins, which has lately appeared under the editorſhip of Mr. Leach, in which the modern determinations of our principal criminal court are digeſted in a method which conſiderably adds to the value and uſe of this learned work.

A ſource of further acceſſion of legal literature has been opened in the undertaking of a gentleman to whom the public is indebted for ſeveral other juridical productions, the reputation of which renders whatever comes from his hands, a very acceptable ſervice to the profeſſion. It is therefore hoped, that the Collection of Law Tracts, of which Mr. *Hargrave* has publiſhed one volume, will lead the way to other communications calculated in like manner to promote the knowledge and practice of the law, of which many important treatiſes remain almoſt uſeleſs in our public libraries, and in private hands, which are highly deſerving the more general notice of the public; in particular, it may with probability be expected, that the valuable unpubliſhed works of lord Hale (ſome of them being already preſented in the publication abovementioned) will, under the ſame accurate, and learned hand be given to the public. Beſides the tracts of lord Hale above noticed, and ſeveral others of great curioſity and importance, this volume contains ſeveral by the editor,

conſiſting of *An Argument concerning the Effect of Sentences of the Courts Eccleſiaſtical in Caſes of Marriage when pleaded or offered in Evidence in the Courts Temporal:* Another on a queſtion ariſing upon the law of diſtribution of inteſtate eſtates; and ſome obſervations concerning the rule in Shelly's caſe, chiefly with a view to the application of that rule to laſt wills. In the ſame collection * is alſo added the learned argument of the late Sir William Blackſtone, in the Exchequer Chamber, in giving judgment in the important caſe of Perrin and Blake.

The additions that have been made, during the period under our preſent notice, to our collections of caſes adjudged in the courts of Law and Equity, have been already noticed in the preceding ſection.

The rapid accumulation and ſucceſſive republications of our Statute law, have alſo been taken notice of in a former ſection of this compilation; it is therefore thought unneceſſary to dwell further on that ſubject in this place. It may, however, be proper to mention, that Mr. *Barrington* has contributed very much, in his *Obſervations on the more antient Statutes*, to the elucidation of the more remote and obſcure part of our legiſlative code, and in which the origin and policy of many parts of that law, which neceſſarily appear almoſt unintelligible to a modern reader, are deduced from a collateral hiſtory of the actual ſtate of the kingdom, and of the exiſting ſtate of the laws, at the period of enacting the ſeveral ſtatutes that fall under the author's obſervations, ſo far as they mutually throw light upon each other, and which

* See a fuller account of the contents of this volume. Bib. Leg. Ang. p. 1. *tit.* Miſcellanies.

of

of courſe afford ſubjects for many learned and curious inveſtigations wherewith this work abounds.

Several publications, which poſſeſs a great ſhare of merit, have alſo of late years appeared, having more immediately for their object the General Law of Proceſs, or the rules and manner of proceeding which the courts have preſcribed in the conduct of the cauſes that fall under their cognizance. Of theſe may be ranked among the firſt in order, the *Theory of Evidence*, exhibiting a very ſcientific diſtribution, and comprehenſive ſyſtem of that important branch of the practice of the law. This work, it is generally underſtood, was afterwards engrafted by the learned author into another, upon a collateral branch of the practice, and entituled an *Inſtitute of the Law of Trials at Niſi Prius*, which has been ſince conſiderably extended and enlarged by the additions of numerous authorities on the ſame ſubject, by one of the preſent learned judges of the court of King's Bench, under the more general title of *An Introduction to the Law relative to Trials at Niſi Prius*.

Of the other publications illuſtrative of the practice of the law, it is here obſervable, that being neceſſarily compilations for the moſt part from thoſe which preceded them, they do not in general poſſeſs any great ſhare of original merit, but that having availed themſelves of the induſtry of their predeceſſors, with the advantages of more modern information, they are conſequently more immediately intitled to the notice of the practitioner. The inquiſitive ſtudent will, however, find ſeveral of the authors who have written on ſubjects of practice within former periods, highly deſerving his attention.

Mr. Boote's Hiſtory of a Suit at Law claims notice as a rational account of the nature, origin, and import of the ſeveral legal manifeſts which have obtained in uſe as incidental to a ſuit in its progreſs towards a determination in the reſpective law courts, and exhibits, in a perſpicuous method, a general and hiſtorical account of the foundation and preſent ſtate of the ſeveral component parts of that branch of the practice.

Beſides the republications of ſeveral former works of reputation in this line of profeſſional learning, Mr. Crompton has not only made an advantageous uſe of thoſe compoſitions, but digeſted, under a new and methodical arrangement, a ſyſtem of the practice of the courts of King's Bench and Common Pleas, which procured a very general ſhare of approbation, being eſteemed a very valuable and ſcientific performance.

Mr. Impey has alſo, with great practical knowledge, compoſed ſeveral treatiſes on that branch of the law, more particularly adapted to the purpoſes of an explicit and familiar introduction to the actual buſineſs of an attorney's office, which have alſo been well received.

The practice of the Common Law Courts is further explained and exemplified in the publication of Mr. Morgan's work, entituled, The Attorney's Vade Mecum and Client's Inſtructor; which, in a method chiefly founded upon that of lord chief baron Comyns, gives a ſcientific treatiſe of actions, and of the mode of proſecuting and defending them, with precedents of approved forms of pleadings in their ſeveral branches illuſtrative

luſtrative of the doctrines contained in the work, and adapted to the uſe of practitioners.

Several other publications, relative to various branches of the practice, and of aſſiſtances therein, have alſo of late years appeared, of which the titles will be found in their proper places in the General Catalogue of Law Books, which forms the other part of this publication.

It is alſo peculiarly incumbent to notice in this place a publication, for which the practiſers in the court of Chancery are eminently indebted to the learned labours of Mr. *Mitford*, who, in his *Treatiſe of Pleadings in Chancery by Engliſh Bill*, has deduced in an enlarged analytical method a rational ſyſtem of that branch of the practice of the court of Chancery, illuſtrated and ſupported throughout by references to the authorities of rules, orders, and determinations of that court in the matters incident to this branch of its juriſdiction.

The more general practice of that court has alſo been undertaken by Mr. *Hinde*, of the Six Clerks Office, whoſe propoſed plan appears, that of digeſting, under the ſeveral diviſions of the ſubject, the purport of all the information that was to be met with, as well in the works of former compilers as from other authorities hitherto unnoticed; in purſuance of this deſign, this author has more particularly availed himſelf of the valuable information contained in the treatiſe of Pleadings by Engliſh Bill, and has further laid down a progreſſive account of the practice from the commencement of a ſuit to the decree, illuſtrating the whole with proper precedents of exhibits, neceſſary in the courſe of proſecuting a ſuit in this court;

court; and which publication, from the multiplicity of regulations and ſubſequent determinations altering the practice, as extant in the prior compilations of this nature, is found a neceſſary and uſeful addition to the information to be met with in this peculiar line of practical knowledge.

The branch of the practice peculiar to the Office of Pleas in the court of Exchequer, has been much illuſtrated and facilitated by Mr. Philip Burton, in his publications on that ſubject, and who, during the courſe of many years eſtabliſhment in that office, having experienced the diſadvantages attending the practice thereof, from the defect of information of this kind, has therein given an hiſtorical deduction of the antient and modern juriſdiction and practice of that office; pointing out the peculiar advantages attending this branch of practice, as well to the ſuitor as the practitioner, and thereby, as it is generally acknowledged, has promoted a more frequent application to the authority of that court.

It remains only to notice the acceſſions that have been made to the literature peculiar to the *Theory of the Conſtitution*, and *the Law and Practice of Parliament*, on which ſubjects we ſhall, it is preſumed, be found to poſſeſs a larger portion of information from the produce of the period of the preſent reign than from any prior period of equal extent.

On theſe ſubjects, beſides ſome of the authors before-mentioned, who have incidentally treated of them, Mr. *De Lolme's Treatiſe of the Engliſh Conſtitution* has been much celebrated as a profound and ingenious inveſtigation into the principles of our

our conſtitution, and of its comparative advantages over the other exiſting forms of government in Europe, and is ſaid to be purſued with great ſagacity, penetration, and with a conſiderable portion of knowledge of our laws, which is the more worthy notice, the author being a native and citizen of Geneva, and induced by a liberal ſpirit of enquiry to undertake the taſk, which he has executed ſo greatly to his own credit, and to the general approbation *.

That branch of the law of parliament which comprehends the principles of its conſtruction in the aſſembling of its conſtituent parts, is very learnedly illuſtrated in the publication of the *Commentary on the King's Writ for electing Members of Parliament*, written in times of great enquiry into the contents of legal records, by *Bulſtrode Whitlocke*, who appears to have poſſeſſed from his maſter Coke a great fund of this branch of learning, and who, it is obſerved, in a comment upon a dry and confined text, conducts the reader to the deepeſt receſſes of law and antiquity.

The law of parliament, reſpecting the Election of Members of the Houſe of Commons, as contained in the principles of the determinations of that Houſe upon the caſes of controverted elections, which forms a very eſſential portion of the juriſdiction of that part of the legiſlature, has been of late years illuſtrated by ſeveral publications; in particular the caſes reported by Serjeant *Glanvil*, Speaker of the Houſe of Commons temp. Jac. I.

* *Profeſſor* Millar, of *Glaſgow*, has alſo thrown much light on this ſubject, in an *Hiſtorical View of the Engliſh government, from the time of the Saxons, to the acceſſion of the houſe of Stewart.*

and

and chairman of a committee appointed to determine controverted elections, contain in the determinations which took place on that occaſion, much valuable and authentic information on this topic of legal learning, which it has been obſerved was, till within theſe few years, very little cultivated.

Mr. *Douglas's* publication of the caſes and determinations upon the ſame ſubject is alſo eſteemed a very valuable ſource of information on this branch of law, and has led the way to ſeveral other productions illuſtrative of the ſame object, particularly Mr. *Luders's* Collection of Election Caſes, ſubſequent to thoſe reported by Mr. *Douglas*, and Mr. *Philips's Caſe of Election*, which, with ſeveral other publications of proceedings in caſes of particular elections, and of the book of reference to the authorities of former determinations, have thrown great light upon this ſubject, and will, it is preſumed, tend very much towards defining the law and obviating future difficulties on this much litigated topic.

The more general law of parliament reſpecting the regulations adopted in the proceſs of the public buſineſs, and for aſcertaining the privileges of the members, particularly of the lower Houſe of Parliament, is very much illuſtrated, and the ſeveral precedents of rules, orders, and determinations of that Houſe on thoſe heads are arranged and digeſted under their proper titles and diviſions in Mr. Hatſell's publications of *Caſes of Privilege, and Precedents of Proceedings in the Houſe of Commons* *;

* Theſe two publications have been lately enlarged and incorporated under the ſame title of Preceden ſ of Proceedings in the Houſe of Commons, &c. 3 vols. 4to.

the

the whole being further elucidated and rendered more intereſting by occaſional paſſages of hiſtory of the times and circumſtances, introductory of new regulations reſpecting thoſe important objects.

The Hiſtory of the Proceedings of both Houſes of Parliament during the preſent reign, are recorded in ſeveral voluminous publications which have appeared in the courſe of it; the titles of which appear in the former part of this compilation.

The uſes and advantages to be derived from theſe ſeveral ſources of information and inſtruction, are greatly promoted by the general communication which has of late years been made through the munificence of Parliament, in the publication of the *Journals of the Proceedings of the Houſe of Commons*, which are now extant in print from the earlieſt periods of which any records remain, nearly to the preſent time. This voluminous Collection affords ample ſources of evidence of the grounds of former proceedings, and of authority for regulating the future practice of that authoritative aſſembly, and will therefore, it is preſumed, ultimately tend very beneficially towards fixing the conſtitution and legal limits of the juriſdiction, privileges, and reſpective authority of the ſeveral component parts of our legiſlature.

The Houſe of Lords has alſo, with equal advantage to the community, laid open the treaſures of its records, which are the more highly intereſting, as they contain memorials of judicial proceedings formerly incident to this branch of our conſtitution, with many evidences of enacted laws, of which no other authentic documents are now

remaining; theſe are more particularly contained in that part of theſe valuable communications, entitled, *The Rolls of Parliament*; to theſe ſucceed, in order of time, what are more properly entitled, *Journals of the Houſe of Lords*, which are brought down to the year 1767.

In addition to theſe valuable communications to the public, the Houſe of Lords has alſo, of late years, ordered a *fac ſimile* publication to be made of that venerable record and repoſitory of the evidences of the greater part of the real property of the kingdom, DOMESDAY BOOK, by which it is reaſonable to expect, that the ſubjects of our local hiſtory and antiquities, as well as of the legal tenures of thoſe, who are in the enjoyment of landed property, will be very greatly promoted and illuſtrated.

* It may here be proper to notice ſeveral aſſiſtances to the uſe of theſe authentic and valuable materials, and the means of references to their ſeveral contents. Indexes have already been framed of the ſubject mater of the greater part (vol. I. to XXXIV.) of the *Commons Journals*, by ſeveral gentlemen appointed to that office by the authority of that houſe; but nothing of this nature has been effected towards the Uſe of the *Rolls of Parliament*, and *Lords Journals*; the former of which, from the obſoleteneſs of the language in which they are written, ſtand very much in need of ſome aſſiſtance towards a proper uſe of the information contained in them. To this purpoſe Mr. *Kelham's Dictionary of the Norman Language*, being compiled in great part from thoſe Records and other antient law-writers, will, in ſome meaſure, ſupply the means of interpretation. *Domeſday Book*, which is in an eminent degree ſtill more inacceſſible to thoſe who have not made the antient Records their peculiar ſtudy, has alſo lately been illuſtrated by the ſame author, by a literal tranſlation of the ſeveral law terms, arbitrary characters, and abbreviations made uſe of in that record; as alſo with a general account of its contents, with references to the ſeveral counties contained in that ſurvey, and to the ſeveral tenants in Capite and Sergeanty therein mentioned.

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ADVERTISEMENT.

In the courſe of the latter ſections of this compilation, a conſiderable number of modern publications are noticed, which have eminently diſtinguiſhed the authors of them, who have at the ſame time rendered much acceptable and important ſervice to the profeſſion; and, as it is probable that other gentlemen, poſſeſſing profeſſional abilities, may alſo be diſpoſed to exert them in promoting the knowledge and practice of the law, it is thought not improper in this place to mention, that ſeveral works of original and approved merit now ſolicit the benefit of ſuch aſſiſtance, for the purpoſe of being more advantageouſly made public; further particulars whereof may be known by applying to the publiſher of this compilation.